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CIVIL SERVICE POLICIES

TABLE OF CONTENTS

<u>POLICY NUMBER</u>	<u>POLICY TITLE</u>
2.6-I	Removal of Names from Register or List
2.6-II	Background Checks
2.7-I	Substitution Policy
2.7-II	Residence Requirement for College Credit – For Qualifying On Entrance and Promotional Exams
2.7-III	Transfer of Scores
2.10 C-I	Establishing Eligibility Register Categories
2.12	Physical Examinations
2.12-I	Metro Driver Safety Standards – Vision
3.1-I	Guidelines on Discrimination
3.1-II	Reasonable Accommodation
3.3-I	Performance Evaluation
3.9 D-I	Transfers from Other Metro Systems
3.11 E-I	Rollback Provisions
3.11 G-I	Layoff Plans
3.11 J-I	Layoff Lists and Recall
3.13 B	Disability Re-employment – Calculation of Pay
4.4-I	Inclement Weather/Hazardous Road Conditions
4.6	Eligibility to Earn Sick and Vacation Leave
4.7 A-I	Perfect Attendance Bonus
4.7 C-I	Attendance Policy

TABLE OF CONTENTS (continued)

<u>POLICY NUMBER</u>	<u>POLICY TITLE</u>
4.7 E-I	Short term Disability
4.8 D-I	Reassignment to Light Duty
4.8 D-II	Fire Department Alternate Duty
4.12	Special Military Leave
4.13	Family Medical Leave Act
5.6 A-1	Director Pay Schedule
5.6 B-I	Upgrades for Targeted Classifications
5.6 B-II	Upgrades for Targeted Classifications – Police Civilians
5.6 B-III	Transitioning to Professional License or Certification Classifications
5.6 D-I	Reclassification
5.7 B-II	Election of Compensatory Time In Lieu of Overtime Pay by Non-Exempt Employees
5.7 C-I	Exempt Overtime Pay in Emergency Situations
5.10-I	Hire Above Base, Increment Advances, Bonuses and Equity Adjustments
5.10-II	Compensation on Open Ranges
5.10 III	Employee Recognition Activities
6.I	Substance Abuse Policy (appendix)
6.7-I	Carrying of Firearms
6.8 A-I	Disciplinary and Grievance Appeal Proceedings
7.1/8.1-I	Police and Fire Educational Incentive
7.2 A-I	Selection Procedure for Police Officer Trainee
7.2 B-I	Promotional Procedure for Police Sergeant, Lieutenant, and Captain

TABLE OF CONTENTS (continued)

<u>POLICY NUMBER</u>	<u>POLICY TITLE</u>
7.2 B-II	Police Officer III – Advancement Policy
7.2 C-I	Assignment Classifications
7.8 B-I	Establishment and Use of Open Competitive Register for Re-Employment Of Police Officers
8.2 A-I	Selection Procedure for Fire Recruits
8.2 B-I	Promotional Procedure for Fire Department Classifications
8.2 B-II	Firefighter II Pay Plan Implementation and EMT Certification Requirements
8.2 B-III	Firefighter III Advancement Policy
8.2B IV	Filling Assignment Class of Firefighter / Paramedic
8.2 B V	Selection within the Fire Department for the Fire Training Academy
8.8 B-I	Establishment and Use of Open Competitive Register for Re-Employment of Fire Suppression and Emergency Medical Service Employees
Appendix:	
6.I	Substance Abuse Policy

POLICY: 2.6-I
TITLE: REMOVAL OF NAMES FROM REGISTER OR LIST

Names may be removed from eligibility registers or lists by the Director of Human Resources for any of the reasons listed below:

1. At the written request of the applicant
2. Appointment from the register or list to fill a Civil Service position
3. Appointment from the register for another class at the same or higher compensation: In such case, at the request of the applicant, his name may be left on.
4. The failure to report for an interview or to respond to a notice of interview
5. Notice by postal authorities of the inability to locate an applicant at the last known address
6. The death of the applicant
7. The separation from Civil Service employment, other than by layoff, of an eligible whose name is on a promotional register
8. The discovery that the applicant has willfully provided erroneous information, withheld information, evaded questions, or otherwise misrepresented his qualifications in order to qualify for appointment or promotion
9. Any cause or condition specified in these rules and regulations for the rejection of an applicant shall likewise be cause for removal of his name from a register or list
10. Failure to pass any subsequent examination of the applicant's fitness for the position, such as a polygraph and/or computerized voice stress analysis (CVSA), drug test, medical exam, or psychological exam if reasonable accommodation cannot be made for that position or another position in the same classification

DATE REVISED: 07/12/05
DATE APPROVED: 06/14/94
EFFECTIVE DATE: 09/01/94

POLICY: 2.6-II
TITLE: **BACKGROUND CHECKS**

The Metropolitan Government of Nashville and Davidson County is committed to providing quality service for our citizens in an environment that is safe for our employees. To ensure these high standards, we are implementing a consistent policy that reserves Metro Government's right to conduct standardized background investigations on current employees subject to the provisions of this policy and all new hires.

Definition: For the purpose of this policy, the following definitions apply:

- A **viable candidate** is a person the hiring authority has determined is qualified for the job and to whom the hiring authority is considering for employment, *re-employment or re-hire* (not current Metro employees).
- **Fair Credit Reporting Act** – The FCRA is the body of law governing background checks. It is designed to protect the privacy of consumer report information and to guarantee that the information supplied is as accurate as possible. Individuals must be aware that consumer reports may be used for employment purposes and must agree to such use. Individuals will be notified promptly if information in a consumer report results in a negative employment decision.
- **Notice of Adverse Action** – Documents sent to an employee or viable candidate who through the background check process has received a “does not meet criteria” designation may be moved from their present position, or have duties changed, or cannot be appointed to the applied for position.

Background investigations should be completed prior to the viable candidate or the employee starting work in the new position. Prior to ordering background investigations for current employees, participating departments/agencies shall designate the classifications and/or positions within the department where background checks are to be conducted. These must be reviewed and approved by the Human Resources Department and the Department of Law.

Individuals on whom background investigations are to be performed must first sign the Background Authorization/Release Form and Consumer Credit Release Form. Refusal to sign these forms will disqualify an employee from consideration for a position for which a background check is required or may be cause to remove an employee from a current position.

In the event that a viable candidate's background investigation report contains records or information that would preclude the individual from meeting the hiring criteria, then Metro Human Resources Department shall send the applicant a letter which provides the applicant five (5) business days to seek a reinvestigation, clarification, challenge or update on his/her Report prior to any formal adverse action being taken by Metro. In the event that the viable candidate does not take such action within the five (5) business days, then the Human Resources Department of Metro will make an employment determination based on the contents of the Report and send the applicant a Notice of Adverse Action letter.

If a request for a reinvestigation is timely made, no decision will be made by Metro to disqualify a viable candidate from consideration for employment by Metro. However, there is no requirement to keep the position open during any reinvestigation. Accordingly, Metro will continue to interview and review applications as well as background investigation reports. In the event that a viable candidate's initial background investigation report is clarified, corrected, or re-issued, and the applicant thereafter meets the criteria, then his/her application will be re-activated and considered for future positions.

If the background investigation report is conducted on a current Metro employee, then that employee may follow the same procedure for a reinvestigation as those established for a viable candidate.

A Notice of Adverse Action will be sent to an employee or viable candidate who through the background check process has received a "does not meet criteria" designation. This and other forms for background checks will be maintained in the HR Recruitment Division.

Background investigations may be conducted on current employees who are being considered for a position or are already in a position requiring a background check. Background investigations conducted on current employees shall be limited to the following type classifications/positions:

- Classifications/positions involving the management, processing of, or access to, financial or business transactions where there is the potential for the loss of funds from theft, fraud, embezzlement.
- Information Systems classifications or positions where there is a potential for the release of confidential information, the unauthorized transfer of information, or the destruction of files.
- Classifications or positions having access to files protected by law such as confidential legal files or sealed court records.
- Classifications or positions performing security related to public health and/or safety of Metro facilities, employees or the general public.
- Classifications or positions performing Motor vehicle operations / transportation.
- Classifications or positions responsible for codes or law enforcement.
- Classifications or positions involving counseling, guidance, teaching or care of children and /or adults.

When adverse information is reported on an employee or the employee refuses to sign release forms, the appointing authority will evaluate whether the employee should be removed from the position and/or employment. The appointing authority is expected to follow all applicable Civil Service rules that may apply to the situation.

Types of Background Checks

Background Checks are to be conducted by an outside contractor and shall comply with the Fair Credit Reporting Act. Metro uses four (4) separate levels of background checks.

Investigations: Levels 1- 4

Level One Basic Check

- Social Security Number Verification (SSN)
- Seven (7) year County Criminal Check
- Sexual Offender Registry (if appropriate)
- Driving Record (if appropriate)

Level Two Management Level Check

- SSN Verification
- Seven (7) year County Criminal Check
- Sexual Offender Registry (if appropriate)
- Driving Record
- Employment Verification (last job only)

Level Three Executive Level Check

- SSN Verification
- Seven (7) year County Criminal Check plus Federal check
- Sexual Offender Registry (if appropriate)
- Seven (7) year Employment Check
- Driving Record
- National Law Enforcement Submission and Warrants
- Credit Report
- Education Verification

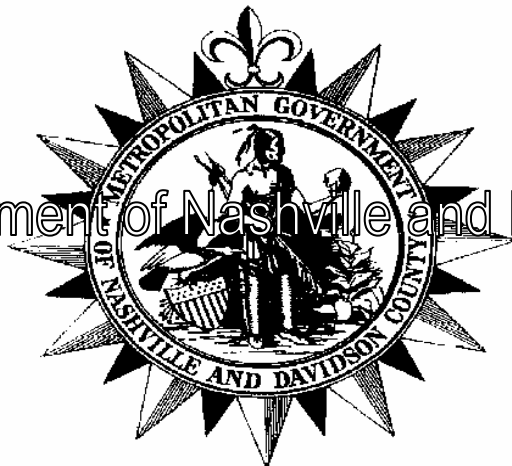
Level Four Sensitive Check

- Executive Level plus the following:
 - Civil litigation (State and Federal)
 - Media Search

APPROVED: 7/9/02

REVISED: 6/08/04

Metropolitan Government of Nashville and Davidson County



NOTIFICATION AND AUTHORIZATION TO RELEASE CONSUMER CREDIT BACKGROUND INFORMATION

Name (please print): _____

Address (street, city, state, zip): _____

Social Security #: _____ - _____ - _____ Date of Birth: ____/____/____ * (month/day/year)

Driver's License #: _____ State of Issuance: _____

Hiring Department: _____ Job Classification: _____

I, the undersigned consumer, do hereby authorize Metropolitan Government of Nashville & Davidson County by and through its independent contractor, Kroll Background America, Inc, to procure a consumer credit report on me. This credit history is based on reports from any credit bureau and is required based on the job duties required in the position for which I have applied.

I understand that I am entitled to a complete and accurate disclosure of the nature and scope of any consumer credit report of which I am subject upon my written request to Kroll Background America. I also understand that I may receive a written summary of my rights under 15 U.S.C. § 1681 et seq.

I authorize any person, business entity or governmental agency who may have information relevant to the above to disclose the same to Metropolitan Government and/or Kroll Background America including but not limited to any courts, public agencies, law enforcement agencies and credit bureaus, regardless of whether such person, business entity or governmental agency compiled the information itself or received it from other sources.

I agree to release Metropolitan Government, Kroll Background America, and any and all persons, business entities and governmental agencies, whether public or private, from any and all liability, claims and/or demands, by me, my heirs or others making such claim or demand on my behalf, for providing a consumer credit report hereby authorized. I understand that this Authorization/Release form shall remain in effect for the duration of my employment with Metropolitan Government.

Signature

Date

Witnessed by

Date

* The DOB is necessary in order to perform a timely background check. This information is utilized solely to ensure accurate identification.

Metropolitan Government of Nashville and Davidson County



NOTIFICATION AND AUTHORIZATION TO RELEASE BACKGROUND INFORMATION

Name (please print): _____

Address (street, city, state, zip): _____

Social Security #: _____ - _____ - _____ Date of Birth: ____/____/____ * (month/day/year)

Driver's License #: _____ State of Issuance: _____

Hiring Department: _____ Job Classification: _____

I, the undersigned, do hereby authorize Metropolitan Government of Nashville & Davidson County by and through its independent contractor, Kroll Background America, Inc, to procure the necessary background report(s) on me. The reports may include education verifications; my driving history, including any traffic citations; a social security number verification; criminal and civil history/records; any other public record.

I understand that I am entitled to a complete and accurate disclosure of the nature and scope of any investigative background report of which I am subject upon my written request to Kroll Background America. I also understand that I may receive a written summary of my rights under 15 U.S.C. § 1681 et.seq.

I authorize any person, business entity or governmental agency who may have information relevant to the above to disclose the same to Metropolitan Government and/or Kroll Background America including but not limited to any courts, public agencies, law enforcement agencies, regardless of whether such person, business entity or governmental agency compiled the information itself or received it from other sources.

I agree to release Metropolitan Government, Kroll Background America, and any and all persons, business entities and governmental agencies, whether public or private, from any and all liability, claims and/or demands, by me, my heirs or others making such claim or demand on my behalf, for providing an investigative background report hereby authorized. I understand that this Authorization/Release form shall remain in effect for the duration of my employment with Metropolitan Government.

Signature

Date

Witnessed by

Date

* The DOB is necessary in order to perform a timely background check. This information is utilized solely to ensure accurate identification.

POLICY: 2.7-I
TITLE: SUBSTITUTION POLICY

GENERAL

This policy is applicable when the development or implementation of a policy that recognizes of training, experience, and/or education that is not specifically stated in the job description.

The minimum requirements stated in the job description for a classification provided a guideline for the screening of applications. It is assumed that only a candidate with at least a certain amount of education and experience would be able to perform the duties of the position.

Situations may arise however, in which an applicant may have demonstrated the ability to perform the duties of a position, without having the education and experience as specifically stated in the job description. The purpose of this policy is to document that in these cases, when the applicant has demonstrated that he has the ability to perform the duties of the position at the level required by the duties and performance standards of the job description, the applicant will be considered eligible to compete in the assessment process.

GUIDELINES

1. Applications will be reviewed with respect to (1) the minimum requirements as stated in the job description; (2) the skills and skills levels required for the position as stated in the functional job description.
2. Applicants whose education and experience meet the minimum requirements, or who have demonstrated that they can perform the duties of the position at the appropriate level, will be considered eligible and screened further for ranking purposes.
3. Substitution of experience or education will not be permitted for a license or certification of any kind unless there is a stated equivalency in the job description.
4. Applicants must meet the minimum requirements only as stated in the job description for certain classifications. These classifications will specifically state "No Substitution" in the job description. Examples of these classifications may include Chemist, Biologist, Accountant, Engineer and other classifications in which a specific education requirement is a universal standard.

DATE APPROVED: 03/01/94
LAST REVISION: 07/08/97

POLICY: 2.7-II
TITLE: **RESIDENCE REQUIREMENT FOR COLLEGE CREDIT – FOR QUALIFYING ON ENTRANCE AND PROMOTIONAL EXAMS**

GENERAL

This policy establishes minimum requirements for credits earned in residence at a college level institution. College course credit from an accredited institution submitted by an applicant for meeting minimum qualifications and for scoring on education ratings may be earned in a traditional classroom environment or by non-traditional sources.

RESIDENCE REQUIREMENTS

Applicants must have taken in residence at least $\frac{1}{2}$ of the total hours required for the degree or applied to an education rating. No more than $\frac{1}{2}$ may be earned in non-traditional credits. Those employed prior to the effective date of this policy may qualify without meeting the residence requirement if the qualifying degree was awarded prior to the effective date.

“INTERNET COURSE WORK

In lieu of the residence requirement, internet or correspondence course work may be accepted for meeting minimum qualifications and for scoring on education ratings, however, the credits must have been awarded from an accredited institution with a physical campus and the accrediting body must be recognized by the Council on Higher Education and/or the United States Department of Education.”

NON-TRADITIONAL SOURCES OF CREDIT

The following types of non-traditional credits awarded by an accredited institution are generally recognized for examination credit by the Human Resources Department. This list is not all-inclusive; other sources of credit recognized by an accredited college level institution will be evaluated for acceptability. The Human Resources Department will determine whether the course should count toward an education requirement.

Advanced Placement Credit: These credits are achieved through examination under the Advanced Placement Program of the College Entrance Examination Board.

Correspondence Credit: These credits earned through correspondence courses offered by college level institutions.

University Credit by Exam: These are credits achieved by taking in-house examinations at the college or university granting the credit hours.

CLEP: This is a national program of credit-by-examination, sponsored by the College Credit Examination Board.

**Credit for Service in the
Armed Forces:**

These credits may include direct credit for physical education or credits for training completed through formal service schools.

Non-collegiate Sponsored:

These credits are awarded for courses completed through certain non-collegiate sponsored instruction.

**University Credit for
Experiential Learning:**

These credits are granted by an accredited college level institution for college level knowledge and understanding gained from work experience, life experience, or from certain non-traditional instruction.

DATE APPROVED: 06/14/94

EFFECTIVE: 09/01/94, 9/14/04

POLICY: 2.7-III
TITLE: TRANSFER OF SCORES

An applicant can request to have his/her score transferred from one eligibility register (first eligibility register) to another eligibility register (second eligibility register) for similar positions or classifications under the following conditions.

1. The applicant formally makes application to compete for the second eligibility register with the announced time frame and following the appropriate procedures. The competitive examination for the second eligibility register will be announced in accordance with Civil Service Rules. Announcements for the two positions or classifications may be announced at the same time.
2. The minimum requirements for placement on the second eligibility register are similar to or lower than the requirements for the first eligibility register.
3. The selection process for the second eligibility register measures similar knowledge, skills, and abilities as the one used in establishing the first eligibility register. The first selection process may be more comprehensive than the selection process for the second eligibility register.
4. The exam components used in the second process were also used in the first process at the same or less difficulty level. In cases where the exam components are the same but the weights are different, the raw score from the first process will be used and converted to the weights used in the second process, treating the raw scores in the same manner as all other applicant scores in the second process. It is not necessary that the exam components be identical, the key is whether the exam components to be used in the second process were used in the first process. For example, the first selection process may have been 50% written and 50% oral with the second process being 100% written. As long as the difficulty level of the first process was the same or higher, then the score on the written part could be transferred to the second list. An experience/education rating could be added to the second process.

The Human Resources Department shall make the final determination as to whether transfer of scores will be allowed. The applicant can elect to compete anew in the second process; but, once that decision is made, there is no longer an option to transfer the score from the first eligibility register. Applicants transferring the score will be rank ordered in the appropriate place with the new applicants competing for the second eligibility register.

DATE APPROVED: 06/14/94
EFFECTIVE: 09/01/94

POLICY: 2.10 C-I
TITLE: ESTABLISHING ELIGIBILITY REGISTER CATEGORIES

GENERAL

The policy will be used when categories are applied, such as for Open Competitive registers. Applicants successfully completing the recruitment process for a specific classification will be placed in categories according to their final composite score or rating on an eligibility register and will be divided into the categories of Outstanding, Well-Qualified, and Qualified.

PROCEDURE

- A. For each recruitment, applicants will be divided into four categories: Outstanding, Well-Qualified, Qualified, and Not Qualified. While all four categories are available for any particular recruitment, it is not necessary that all four categories be utilized. However, if any applicants qualify, there will be at least an Outstanding category.
- B. Different exam components may require alternate methods for establishing the categories. Human Resources' staff will determine the exam components for a particular position and the best method for that particular combination of exam components will be utilized to distribute the applicants into the four available categories.
- C. Point Spread would be the method of choice to distribute applicants into the four available categories for some exam components, i.e., written, oral, etc. The spread of scores for that exam component would determine the exact score needed to achieve a particular category.
- D. Training and Experience Rating is one of the most recognized methods for establishment of Open Competitive Registers. Various methods of T&E ratings exist. The recruitment staff will decide which method is best suited for a particular recruitment. The following method is an example of the T&E method that is widely used in the private sector and is considered the method of choice for announced Open Competitive Registers:
- E. All resumes or applications are reviewed and placed into four groupings: Not Qualified, Qualified, Well Qualified, and Outstanding. The groupings are based upon the essential job factors identified for this vacancy by the requesting department. Applicants are placed in categories according to the extent to which their background matches the needs of the position.
- F. Continuous Applicant Pools will be maintained on certain classifications. Applicants will identify their skills and interest in certain occupational areas. They will be placed in the general pool of qualified candidates and selected for referral only when a department describes a vacancy similar to the profile of the candidate. All those applicants drawn from the pool for referral will become the Outstanding category for the vacancy and those candidates not selected will remain in the Qualified Pool.

G. Police and Fire Recruit testing will utilize two components to establish the rankings for the respective eligibility registers; a written exam and a physical agility test. Each component will be scored from 0 to 5 points and will be given equal weight. The final composite score for each applicant will be the sum of the applicant's written and physical agility test scores. The categories on the registers will be established in the following manner:

a. Police

6 – 10 points =	Outstanding
3 – 5 points =	Well-qualified
0 – 2 points =	Qualified

b. Fire

7 – 10 points =	Outstanding
4 – 6 points =	Well-qualified
0 – 3 points =	Qualified

DATE APPROVED: 12/10/91

LAST REVISION: 07/21/99, 10/12/99

EFFECTIVE: 10/12/99

POLICY NUMBER: 2.12

POLICY NAME: PHYSICAL EXAMINATIONS

Pre-employment Physical Examinations:

It shall be the Policy of the Metropolitan Government to have a licensed medical professional as designated by the Health Department Director, to conduct post-offer physical examinations for selected Civil Service appointments. Those selected appointments will involve employees who work in public health, public safety, as well as those required to perform labor intensive / heavy manual lifting, operate heavy equipment, and operate other motorized vehicles on a regular basis

Periodic Physical Examinations:

It shall be the Policy of the Metropolitan Government to have a licensed medical professional as designated by the Health Department Director, to conduct periodic physical examinations for those selected classifications where license/ certifications are required or those classes where public safety job duties are performed.

This requirement shall be the responsibility of the respective department and shall be addressed in their departmental rules.

DATE APPROVED: December 12, 2000

DATE EFFECTIVE: January 1, 2001

POLICY: 2.12-I
TITLE: **METRO DRIVER SAFETY STANDARDS – VISION**

1. VISUAL ACUITY

POLICE: Far visual acuity:
Far visual acuity shall be at least 20/20 in the better eye and 20/30 in the other eye binocular corrected with contact lenses or spectacles. Far visual acuity uncorrected shall be at least 20/100 binocular for wearers of hard contacts or spectacles. Successful long-term soft contact lens wearers shall not be subject to the uncorrected criterion. Applicants must have worn soft contacts for at least six months prior to the employment physical.

Successful radial keratotomy for correction of visual acuity not associated with any corneal disease may be waived by the Civil Service Commission upon recommendation of the Civil Service Medical Examiner.

FIRE: See current NFPA medical Standards.

PERSONAL VEHICLE DRIVERS: Corrected to 20/40 or better in one eye or with both eyes open.

These drivers of Metro vehicles that are operated as one would operate a privately owned vehicle and include: non-emergency cars, pickups, station wagons, and vans. They do not carry hazardous materials or non-employee passengers and carry nine passengers or fewer not including the driver. Persons 20/40 or better in one eye and 20/60 to blind in the other eye are restricted by the Tennessee Department of Safety to driving vehicles with both outside rear-view mirrors.

ALL OTHERS: Corrected to 20/30 or better in each eye.

2. EXTRA OCULAR MUSCLE

All drivers except personal vehicle drivers must have Binocular Visual Acuity at 20 feet.

3. COLOR VISION

POLICE: Normal color vision as determined by Army Regulation 40-501.

FIRE: See Current NFPA Medical Standards.

ALL OTHERS: Must see red and green.

Color contacts for assisting in color vision are not acceptable.

4. DEPTH PERCEPTION

POLICE: Normal depth perception.

FIRE: See current NFPA Medical Standards.

ALL OTHERS: No standard used.

5. FIELD OF VISION

FIRE: See current NFPA Medical Standards.

PERSONAL VEHICLE DRIVERS

Must have visual field recognition throughout an arc of 140 degrees with both eyes open.

ALL OTHERS

Significant (to above or below the horizontal meridian) impairment of field of vision is not acceptable. Abnormality of Field of Visions are investigated accordingly on a case-by-case basis.

6. ALL OTHER OCULAR PATHOLOGY

These are evaluated as to the degree of ocular impairment by the Civil Service Medical Examiner. He shall make a recommendation to the Appointing Authority as to which vehicles, if any, the applicant or employee should be allowed to operate.

DATE APPROVED: 02/08/94

LAST REVISION: 6/14/94, (EFFECTIVE: 09/01/94), September 26, 1995
6/13/2000

POLICY NUMBER: 3.1 - I
POLICY TITLE: GUIDELINES ON DISCRIMINATION

Administrators and supervisors in the Metropolitan Government are familiar with and will comply with all laws, regulations and guidelines governing various forms of discrimination. Specific guidelines are summarized in this document. Furthermore, harassment of any person in the form of verbal or physical conduct based on a person's race, gender, color, religion, national origin or disability will not be condoned when such conduct:

1. Has the purpose or effect of creating an intimidating, hostile or offensive work environment;
 2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
 3. Otherwise adversely affects an individual's opportunities associated with employment.
- A. Race Discrimination (Civil Rights Act of 1964, Title VII, as amended by the Civil Rights Act of 1991)

It shall be against the policy of the Metropolitan Government to discriminate against an individual as a result of that person's race. This policy applies to applicants for employment as well as current employees.

B. Sexual Discrimination

It is the policy of the Metropolitan Government that there shall be no discrimination against any individual based on gender. This covers all employment actions and conditions of employment and benefits.

1. Job Policies and Practices (Civil Rights Acts of 1964, Title VII, as amended by the Civil Rights Act of 1991 & Equal Pay Act of 1963)
 - a. Personnel policies do not discriminate on the basis of gender.
 - b. Employees and applicants of both genders are equally considered for any positions for which they are qualified.
 - c. Employment opportunities, wages, hours, conditions of employment and benefits are equally offered to all employees regardless of gender.
 - d. Marital status shall not be a factor in any employment opportunity or decision.
 - e. Appropriate physical facilities shall be provided for people of both genders.
2. Maternity Leave (Pregnancy Act of 1978 & Tennessee Maternity Leave Law)

Accrued sick leave shall be granted for the time that a woman is physically unable to work due to childbirth as documented by her physician. Additional vacation and/or leave without pay may be granted in accordance with applicable law. The same vacation and/or leave without pay may be granted as paternity or adoption leave.

3. Sexual Harassment (Civil Rights Act of 1964, Title VII, as amended by the Civil Rights Act of 1991; Guidelines on Discrimination Because of Sex, 1980)

The Metropolitan Government prohibits sexual harassment of any employee. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- b. Submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual, or
- c. Such conduct has the purpose of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment can take many forms. It is not limited to overt physical acts. Suggestive comments, jokes of a sexual nature, sexually suggestive objects or pictures, obscene gestures, sexually graphic stories, as well as unwanted touching, may all constitute sexual harassment.

Sexual harassment of any employee will not be tolerated. No employee will be allowed to sexually harass, either verbally or physically, another employee; nor shall any supervisor allow the harassment of any of his/her employees, either by other employees or by persons not employed by Metro Government. It will be the responsibility of managers and supervisors to take all steps necessary to enforce the provisions of this policy. Any complaint of harassment will be promptly investigated and corrective and/or disciplinary action taken if the charges are found to be true.

Action can only be taken when managers and supervisors have knowledge of sexually harassing conduct. Employees have a duty to inform managers and supervisors when they observe or they are aware of improper sexual conduct exhibited by a Metropolitan Government employee. This obligation to inform includes improper conduct committed by non-government employees if the conduct is directed toward government employees.

C. Religious Discrimination (Civil Rights Act of 1964, Title VII, as amended by the Civil Rights Act of 1991)

The Metropolitan Government expresses its commitment to prohibit religious discrimination against applicants for employment and employees in all areas of employment and benefits. No distinction based on religion shall apply in employment opportunities, wages, hours of work, and other conditions of employment or benefits.

Efforts will be made to accommodate the religious observance and practices of an employee unless such accommodation is unreasonable and would result in an undue hardship on the conduct of business.

- D. Age Discrimination (Civil Rights Act of 1964, Title VII, as amended by the Civil Rights Act of 1991 & Age Discrimination in Employment Act of 1967, as amended)

The policy of the Metropolitan Government prohibits age-based discrimination against individuals 40 years of age or older. No Appointing Authority shall be allowed to refuse to hire, to discharge, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of an individual's age.

Exceptions:

1. There may be differentials in bona fide employee benefit plans.
2. For some areas of work, age may be a bona fide occupational qualification.

- E. National Origin Discrimination (Civil Rights Act of 1964, Title VII, as amended by the Civil Rights Act of 1991)

1. Policy

It shall be against the policy of the Metropolitan Government to discriminate because of an individual's or his or her ancestor's place of origin or because an individual has the physical, cultural or linguistic characteristics of a national origin group. Furthermore, it is against the policy to discriminate for reasons which are grounded in national origin, such as (a) marriage or association with persons of a national origin group; (b) membership in, or association with an organization identified with or seeking to promote the interests of national origin groups; (c) attendance or participation in schools, churches, temples or mosques, generally used by persons of a national origin group; and (d) because an individual's name or spouse's name is associated with a national origin group. There shall be no discrimination based on national origin in any area of employment or condition of employment or in the granting of employment benefits.

2. Citizenship

The Metro Civil Service Commission requires that all employees be United States citizens, legal resident aliens, or aliens authorized to work in the United States. Specified classifications require U.S. citizenship as a bona fide occupational qualification.

- F. Disability Discrimination (State and Local Fiscal Assistance Act of 1972 and Rehabilitation Act of 1973: Americans with Disabilities Act of 1990)

1. Policy

It is the policy of the Metropolitan Government to assure equal employment opportunity to disabled persons on the basis of qualifications and ability to perform the job. There shall be no discrimination in terms of employment opportunities, wages, hours of work or other conditions of employment or benefits.

An individual with a disability is one who has a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or who is regarded as having such an impairment.

2. Application Process

Disabled persons are guaranteed the same application process as other applicants. Assistance may be provided when needed, such as the following:

- a. A reader may be provided for completing an application or written examination for qualified applicants who are vision-impaired or illiterate due to a learning disability.
- b. Waiver of a driver's license may be requested for qualified disabled applicants who are not allowed to drive.

3. Post Offer of Employment Physical

All new appointees are considered provisionally hired until a standard post offer of employment physical examination, where applicable, is completed at the Metro Health Department at Metro expense. If a physical limitation is determined which is considered by the Appointing Authority as justification for reversing the provisional appointment, the applicant and Appointing Authority shall determine the possibility of reasonable accommodation. Information obtained in the post offer of employment physical shall be confidential except for the following:

- a. Supervisors shall be informed of any restrictions on the duties required for reasonable accommodation.
- b. Safety personnel shall be informed of any possibility of emergency treatment.

4. Reasonable Accommodation

A department shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified disabled individual unless to do so would be an undue hardship. The specific accommodations needed shall be determined jointly by the individual and the Appointing Authority with technical assistance provided by the EEO Coordinator. Reasonable accommodation may include, but shall not be limited to:

- a. Making facilities readily accessible to and usable by disabled persons.
- b. Job restructuring, job sharing or modified work schedule, acquisition or modification of equipment or devices and other similar actions.
- c. Assignment to a vacant position for which the person is otherwise qualified

In determining whether an accommodation would impose an undue hardship on the operation of the department, factors to be considered include:

- a. The overall size of the specific work area or program with respect to the number of employees and budget;
- b. The type of operation;
- c. The nature and cost of the accommodation needed.

5. Accessibility

Each department is required to periodically survey their programs and physical facilities to determine if they are accessible to disabled persons. If structural problems are found, it is the responsibility of the Appointing Authority to budget for changes. Non-structural problems requiring some form of reasonable accommodation will be addressed on an individual basis. The EEO Coordinator will provide technical assistance in areas of accessibility related to employment.

THE LAW

In our efforts to achieve equal employment opportunity for everyone in the service of the Metropolitan Government we are guided by the intent and mandates of all applicable laws. Major laws governing employment in the public sector include but are not limited to the following:

A. Federal Laws and Regulations

- 1. Civil Rights Act of 1964, Title VII - makes it unlawful for an employer to discriminate as to hiring, firing, compensation, terms, conditions or privileges of employment on the basis of race, color, religion, gender, or national origin. It also forbids employers to limit, segregate or classify employees in any way that tends to deprive any individual of employment opportunities or adversely affects his employment status because of his race, color, religion, gender or national origin. This also applies to people in apprenticeship, training and retraining programs. It is also illegal to indicate a preference in advertisements relating to employment.

Major Amendments

- a. Pregnancy Act of 1978 - clarified that women affected by pregnancy and related conditions must be treated the same as other applicants and employees on the basis of their ability or inability to work.

- b. Guidelines on Discrimination Because of Sex (1972 and 1980) - establish specific prohibitions of discrimination based on gender and make sexual harassment a violation of Title VII.
- 2. Civil Rights Restoration Act of 1987 - specifies that entire institutions receiving federal funds, rather than just programs or activities receiving the funds, must comply with Civil Rights laws.
- 3. Executive Order 11246 (as amended by Executive Order 11375) - imposes on government contractors and subcontractors obligations parallel to those established by Title VII of the Civil Rights Act. This order also prohibits discrimination on the basis of age or physical disability and requires that contractors take affirmative action to ensure equal opportunity.
- 4. Fourteenth Amendment - declares that no State make any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor shall any state deny persons within its jurisdiction the equal protection of the laws.
- 5. Equal Pay Act of 1963 (amendment to the Fair Labor Standards Act) - mandates equal pay for equal work regardless of gender: the benchmarks for a job are skill, effort, responsibility and working conditions and the exceptions are applications of seniority or a merit system, a measure of quantity or quality of production or any other factor other than gender.
- 6. Age Discrimination in Employment Act of 1967 (as amended in 1978) - prohibits age-based employment discrimination against individuals 40 years of age or older.
- 7. Rehabilitation Act of 1973 - Section 503 requires employers with federal contracts to take affirmative action for the employment of disabled people. Section 504 forbids discrimination against disabled persons by any employers receiving federal financial assistance.
- 8. Americans with Disabilities Act of 1990, Title I - prohibits covered employers from discriminating against a qualified individual with a disability in all areas of employment.
- 9. Immigration and Nationality Act (Immigration Reform and Control Act of 1986 as amended) - The IRCA establishes sanctions against employers who knowingly recruit or hire illegal aliens and allows preference for U.S. citizens or nationals over equally qualified aliens. The law prohibits discrimination against foreign nationals by employers who are not covered by Title VII of the Civil Rights Act.
- 10. Civil Rights Act of 1991 - amends and provides statutory guidelines for implementation of Title VII of the Civil Rights Act of 1964.

B. State Laws and Regulations

1. Tennessee Human Rights Act - forbids job discrimination on the basis of race, creed, color, religion, gender, age or national origin.
2. Tennessee Maternity Leave Law - allows a female employee to take four months leave, paid or unpaid, for pregnancy, childbirth and nursing the infant.
3. Tennessee Handicapped Discrimination Act - prohibits discrimination against disabled persons.
4. Tennessee Equal Pay Act - prohibits discrimination in the rate of pay because of gender.

UTILIZATION ANALYSIS

A periodic utilization analysis will be done to help monitor representation by race and sex in each department. Such analysis will compare departmental representation within EEO categories to similar numbers in the local labor market work force. Statistics used are taken from the most current U.S. Census data adjusted by State reports on unemployment.

DATE APPROVED: 04/23/91
REVISION: 09/08/92
LAST REVISION: 06/14/94, (EFFECTIVE: 09/01/94), 05/09/2000

POLICY: 3.1-II
TITLE: REASONABLE ACCOMMODATION

Once the need for reasonable accommodation for a qualified individual with a disability has been indicated, the department must make a reasonable effort to determine the appropriate accommodation. The appropriate reasonable accommodation is best determined through a flexible, interactive process that involves both the employer and the qualified individual with a disability. This process must be fully documented. The EEO Coordinator is available to assist in this process.

PROCEDURE:

1. Analyze the particular job involved and determine its purpose and essential functions.
2. Consult with the disabled individual regarding the precise job-related limitations imposed by the disability and how these limitations could be overcome with reasonable accommodation.
3. In consultation with the individual, identify potential accommodations and assess the effectiveness each would have in enabling the individual to perform the essential functions of the position. The preference of the disabled person should be given primary consideration. However, the employer has the ultimate discretion to choose between effective accommodations.
4. If consultation doesn't reveal potential accommodations, the employer may find technical assistance helpful in determining how to accommodate a particular person in a particular circumstance.
5. Determine the approximate cost of providing potential accommodations. If there is a question of financial hardship, compare the cost to the department's overall budget, funds to be spent on renovations, construction, equipment, etc. and money available from other government funds.
6. Consider the possible impact of the accommodation(s) on departmental operations, other employees, any possible direction threat and binding rules or union agreements.
7. Considering the preference of the individual and the factors cited above in Steps 5 and 6, select and implement the accommodation that is most appropriate for both the employee and the employer. If the accommodation cannot be implemented immediately, such as one requiring construction, set a target date for completion.
8. If the request is to be denied, give the employee a chance to provide the accommodation himself/herself, or be prepared to cite reasons for the denial.

DATE APPROVED: 12/10/91

LAST REVISION: 06/14/94, (EFFECTIVE: 09/01/94)

POLICY: 3.3-I
TITLE: PERFORMANCE EVALUATION

I. POLICY

In accordance with the Metro Charter and the Civil Service Rules, each employee's job performance shall be evaluated on at least an annual basis. Types and frequency of evaluations are established in the Civil Service Rules and additional evaluations may be done when necessary. The requirements of the position constitute the standards of performance or the basis upon which supervisors will rate the efficiency of employees. The standard of performance shall be the performance, which may be expected after a reasonable period of training of a fully qualified, competent and acceptable employee.

II. ROLES AND RESPONSIBILITIES

Each employee involved in the performance evaluation process should keep in mind job performance and evaluations on a continuous basis, not only when an evaluation is due. Roles in completing an evaluation are stated for each person.

- A. **Rater** – Performance evaluation ratings are the responsibility of the immediate supervisor who directs, observes and has first-line responsibility for the day-to-day performance of an employee. The rater should communicate his work expectations clearly to the employee and discuss work performance with the employee on an on-going basis. Any time the overall performance of an employee, or performance in critical job areas, has reached a level which is below the acceptable rating for the performance evaluation system used, the supervisor will counsel the employee on how he can improve to an acceptable level. The rater is to complete and document the evaluation form, discuss the ratings with the reviewer and employee and ensure that completed forms are properly routed. If an employee is reassigned the rater will complete an evaluation form for the period of time he has supervised that employee, as long as it was for a period of at least sixty (60) days. In such a case, the immediate supervisor at the time the evaluation is due is responsible for ensuring that the final evaluation is a composite result of evaluations done during the year.
- B. **Reviewer** – The rater's rater serves as the reviewer. The reviewer should carefully review the rater's evaluation for compliance with the standards set out in the appropriate guidelines and for consistency in the application of those guidelines. The reviewer should discuss job expectations and employee performance with the rater on an on-going basis. In the event that the reviewer determines a rating to be inappropriate he will discuss it with the rater who will make any changes he finds necessary. The reviewer will not make any changes in the rater's evaluation unless there is objective documentation to support the change. In no event will a reviewer change a rater's evaluation without discussing it with the rater. Evaluations must be reviewed prior to the counseling interview with the employee.
- C. **Appointing Authority** – The Appointing Authority is responsible for ensuring that the performance evaluation process is carried out within his department in accordance with established procedures. It is his responsibility to see that expectations and procedures are explained to employees and that ratings comply with those procedures.

- D. **Employee** – Each employee should know the expectations of his supervisor and strive to meet them. Prior to an evaluation interview it is the responsibility of the employee to consider his job performance for the period covered so that he is prepared to discuss the ratings with his supervisor. An employee is required to sign the evaluation after it is discussed with him. The employee's signature documents that the evaluation has been discussed and does not signify that the employee is satisfied or dissatisfied with the evaluation.

III. COMPLETING THE EVALUATION

A. Comments and Documentation Required

Performance evaluation is a basic tool of supervision and employee development. It should be used to tell the employee how well he or she is progressing on the job and doing the work assigned and how to improve his or her job performance. By an objective review of employees' work, a supervisor can more effectively develop and train employees to make the most of their respective abilities and recognize meritorious service as well as assist less than satisfactory employees. This requires more than just a numerical rating. Any rating other than acceptable in a particular job area must include a written explanation of the deficiency and suggestions for improvement, or explanation of above acceptable proficiency, whichever is applicable. All such comments should be documented as incidents, both good and bad, as they occur during the rating period. That documentation should be available during the evaluation period so that it can be reviewed if necessary.

B. Schedule for Completion

1. The rater completes the evaluation form, attaching any additional comments necessary and gives it to the reviewer.
2. The reviewer checks the form for correctness and compliance with procedures signs it and returns it to the rater. If he has questions, he will discuss them with the rater prior to making any changes. Such discussion must take place prior to the interview with the employee. If desired, the Appointing Authority may review evaluations at this time.
3. The rater discusses the evaluation with the employee and they jointly complete all remarks and signatures required on the form. This interview must be scheduled in advance so that both parties have the opportunity to think about the employee's performance and be prepared to discuss it. After this interview, the rater sends the forms to the Appointing Authority.
4. The Appointing Authority reviews and signs the forms.
5. The Human Resources Department reviews the form for compliance with procedures and places the original copy of the forms in the employee's file.

DATE APPROVED: 09/08/92

LAST REVISION: 06/14/94, (EFFECTIVE: 09/01/94)

POLICY: 3.9 D-I
TITLE: TRANSFERS FROM OTHER METRO SYSTEMS

GENERAL

By approval of the Civil Service Commission employees who have Civil Service status under the Board of Health, Board of Hospitals, or Board of Education may transfer directly into Civil Service positions and retain service credit for the computation of Civil Service benefits.

GUIDELINES

The following guidelines will be used in considering transfers.

A. Classification and Salary

To provide for consistency, the following requirements must be met before the Director of Human Resources will present transfers to the Civil Service Commission for approval:

1. The transferring employees must be in a common classification that is in both the transferring departments pay plan and is covered by Civil Service.
2. The transferring employee must meet the minimum qualifications for the classification as defined in the classification plan for Metropolitan Government.
3. The salary, if different from the general pay plan, will be set at the closest salary in the range.

If the above requirements are met, the transferring employees will be transferred into the Civil Service system as a permanent Civil Service employee upon the Commission's approval.

In the event, the transferring employee is not classified in a common Civil Service Classification; the following criteria must be met:

1. The employee must meet the minimum qualifications as set out in the specific classification description.
2. The employee must have performed at least 50% or more of the duties and responsibilities set out in the classification description.
3. The salary, if less than a step on the range for the proposed classification, will be adjusted to the closest monthly rate in the range.

B. Transferring Vacation – Sick Leave Days

An employee transferring into the Metropolitan Government Civil Service will be allowed to transfer accumulated vacation and sick leave days. In no event will an employee be allowed to transfer more vacation/sick leave days than allowable under the Metropolitan Government Civil Service Commission Rules and Regulations.

Injury-In-Line-Of-Duty

An employee who has been on injury-in-line of duty status with the Board of Education, Health or Hospitals will not be allowed to be placed in this status for more than the time allowed under the rules if he or she should be hurt-in-line of duty causing further injury to the original injury.

Example: An employee carried on injury-in-line of duty with the Board of Education for a strained back for two months will be allowed to be carried injury-in-line of duty for no more than four months if he should re-injure his back while employed with Public Works.

The Employee Profile Document transferring an employee from the Board of Education, Health or Hospitals must be signed by the employee.

DATE APPROVED: 06/26/84

LAST REVISION: 06/14/94, (EFFECTIVE: 09/01/94)

POLICY: 3.11
TITLE: LAYOFF POLICY

General

An Appointing Authority, with the approval of the Human Resources Director, may effect layoff actions when necessary. A layoff action is defined as a termination of employment resulting from the lack of funds or work, abolishment of position(s), reorganization, or a rollback in classification, increment or salary. A rollback in classification is when an employee is moved to a lower classification in the class series based on seniority, or to previously held classification. (See Layoff Process Section B) Layoff actions will be determined on a departmental basis and do not create any employee rollback rights between departments.

Layoff Process

- A The Appointing Authority determines the total dollar figure necessary for the department to operate within its budget allocation and determines the number of positions within each classification or class series that are affected. For a departmental reorganization, the Appointing Authority determines the number of positions to be reduced within each classification and class series.
- B A class series will be determined by agreement with the Appointing Authority and the Human Resources Director. In most cases, employees are in a class series that is comprised of positions that utilize similar knowledge, skills and abilities where the difference between the entry-level classification and the top-level classification is based on the amount of experience in the position. Employees in other class series may be in positions that share a generic job title, however, the class series is defined by the specific job function and requires different levels of knowledge, skills and abilities.
- C In determining layoffs or rollbacks, the continuous service date (seniority) will be the initial basis used to determine who will be affected within a particular classification and/or class series. If seniority between two employees is the same, then performance evaluation, prior disciplinary action, special training and attendance since the last evaluation will be the deciding factors. Civil Service employees have the right to bump into non-Civil Service positions prior to being laid off. This may result in the layoff or rollback of an employee in a non-Civil Service status.
- D Beginning with the highest classification to be affected, the person or persons with the least amount of seniority shall be rolled back or laid off. An employee may be rolled to the classification immediately below in the class series (or lower if necessary according to seniority), or to a classification he previously held. In order for an employee to be rolled back, the following criteria must be met:
 - 1. The new position reflects duties to be performed; AND
 - 2. The employee has seniority equal to or greater than the employee he will bump out; AND
 - 3. The employee must have previously held the position; ORThe employee must meet the minimum qualifications of the position and otherwise be able to perform the duties.

This action continues through all classifications affected.

- E A waiver of the seniority provision may be requested by the Appointing Authority, to retain an employee who is vital to the operation of the department. The request will be submitted to the Civil Service Commission for approval. The Appointing Authority must present facts which show that the employee has specialized training or skills in an area which is vital to the department, and that no other Civil Service employee in the department can adequately perform the work required by the position.
- F The Appointing Authority will submit a layoff plan to the Human Resources Director at least one month prior to the proposed effective date, unless the Human Resources Director waives the time

period. Additional time may be required if Civil Service Commission action is needed. The Appointing Authority, or designee, must be available to review the plan with the Human Resources Director, or designee, to answer any questions and resolve any problems. Layoff plans must contain the following information:

1. A list of all employees in the department by classification and by class series starting with the most senior employee and ending with the least senior employee. For each employee the following must be indicated:
 - Date of employment
 - Adjusted date of employment
 - Total length of service
 - Current status
2. A list of all employees to be laid off or rolled back, including the proposed effective date.
3. Waiver justifications to be submitted to the Civil Service Commission.

- G The Human Resources Director will notify the Appointing Authority, in writing, and the appropriate employee representative group, that the layoff plan has been approved. Approval of each layoff plan will be reported to the Civil Service Commission at their next meeting.
- H The Appointing Authority shall immediately notify each affected employee, in writing, of the action to be taken and the effective date. Such notification must be given at least two weeks prior to the effective date, and also advise the employee that he may file an appeal of the layoff action with the Civil Service Commission, within fourteen (14) calendar days from the date of the letter. Appeals to the Civil Service Commission will not delay implementation of the layoff action. Deliberation by the Civil Service Commission shall only be to consider facts which would show that the rules and procedures were not properly followed. The burden will be on the employee to show any irregularity in the application of the policy.
- I Any employee laid off under these procedures shall be entitled to be paid for any accrued vacation time that has been earned and to any compensatory time earned as provided under the Civil Service Rules. (See Section 5.13)

Recalls

- A An employee who is rolled back or laid off will be placed on a layoff list for their classification and shall be eligible for recall for a period of two years without going through the competitive testing procedures. Employees will be recalled in order of seniority. A probationary or work test period is not required if an employee is recalled to his original classification and department.
- B When an appointment is to be made, the names of employees eligible for recall for that classification shall be sent to the Appointing Authority by the Human Resources Department. Eligible employees will be ranked by seniority and any employees from the Appointing Authority's department will be indicated. The Appointing Authority must offer the appointment to the most senior person from the department on the list.
- C In cases where a recall affects a class series that is defined by job function, the Appointing Authority and Human Resource Department may request a waiver of the job classification seniority provision to the Civil Service Commission. The Appointing Authority must present facts which show that the position requires specific experience or requires specialized training or skills which the senior person on the list does not possess. For example, a Program Specialist in Social Services may not possess the same skill-sets as a Program Specialist in Public Works.
- D An employee that is skipped over based on the functional requirements of the position may file an appeal of the recall action to the Civil Service Commission, within fourteen (14) calendar days from the date he/she is notified of the action. Appeals to the Civil Service Commission will delay the implementation of the recall action until the action is approved by the Civil Service Commission. The burden of proof will be on the Appointing Authority.

- E Prior to making any other appointments to the same classification, the Appointing Authority must appoint from the list any laid off employees from other departments if it is a non-exempt class. If it is an exempt class, the Appointing Authority must consider employees on the list who are laid off.
- F Employees shall be considered by other departments in order of seniority. If an employee is recalled to a job in a different class series, job function, or is recalled to a different department, a three-month work test will be required. If such an employee should fail the work test, he may be subjected to disciplinary actions and will not be placed back on the layoff list.
- G Employees may be considered on a layoff list for a similar position equal to or lower than their original position as long as they meet the minimum qualifications of the job and there are no employees laid off or rolled back from the same position.
- H An employee may be recalled at his original salary or at a lower salary if it is necessary due to budget restrictions in the department. Waivers and special qualifications may also be applied in a recall.
- I Upon approval of the Office of Management and Budgets and the Human Resources Department, an Appointing Authority may be allowed to upgrade existing filled positions without considering the layoff list. The layoff list must be used to fill vacant positions.

Removal from Layoff List

An employee's name is removed from the layoff list when one of the following occurs:

1. Acceptance of a full-time Civil Service position of a comparable level (same pay grade and salary) to the position held prior to the layoff action.
2. Refusal of a bona fide offer of a position in the same classification or a comparable level (pay grade and salary).
3. Two years from the date of the layoff or rollback.
4. Dismissal for cause from another Metro position.

Alternatives to Layoffs

A. Reduction in Increment or Salary

1. In lieu of a rollback to a lower classification, the Appointing Authority may offer the employee(s) a reduction in increment or salary. Employees who receive step increases may be reduced one step or any step in the salary range, as long as there is consistency for all employees. Employees will be eligible to receive a one step increase on their next increment date, if the performance evaluation is acceptable.
2. The salary of employees on Open Range may be reduced within the salary range, as long as there is consistency in the percentage of salary reduction for all employees in the classification. The percentage of salary reduction does not have to be the same between grade levels; however, a higher percentage of reduction is acceptable for higher salary grades. An employee's salary reduced in this manner may receive an increase on the next increment date, if the performance evaluation is acceptable.
3. As an alternative to reduction in increment or salary, increases in pay may be frozen for a set period of time for all employees.

B. Reduction of Work Hours

1. In lieu of a layoff or rollback, an Appointing Authority may reduce the work hours for employees but not to less than 32 hours a week. If such reductions are intended for an indefinite period of time they must be done by seniority.
2. If the reductions will result in no more than 64 hours of time lost for an employee during the period of a fiscal year, they may be done for employees in a particular section, division or program rather than by seniority.
3. When hours are restored for a program, employees will be returned to their regular schedule according to seniority.
4. All reductions must be submitted for approval with the layoff plan.

DATE APPROVED: 09/08/92
LAST REVISION: 07/11/2006
EFFECTIVE: 07/11/2006

POLICY 3.13 B
TITLE : DISABILITY RE-EMPLOYMENT– Calculation of Pay Rate

GENERAL

In reference to CS rule 3.13 B - Disability Reemployment. It shall be the policy of the Metropolitan Government to compensate an employee who is returning from disability in an amount based upon what the employee was earning at the time that the disability occurred. The returning employee's rate of pay will be determined by identifying the step and grade of the classification held in the pay plan at the time the employee was placed on disability, and then calculate into that amount any pay plan adjustments that have occurred to the position. The compensation does not include other pay increases the employee might have received from promotions or annual increments.

Examples:

Public Safety

1992 - Police Officer 2 went out on disability at the 5th step of Grade 29
1993 - due to pay plan structure change this position would have gone to PF 8 Step 9
2001 - due to pay plan structure change this position would have gone to a PS 4 Step 6
2004 - no pay plan change – position would return to work as a Police Officer 2 at a PS 4 Step 6

Standard Range

1998 - Customer Service Representative II went out on disability at the 5th step of GS-4
2001 - due to pay plan structure change this position became an Office Support Representative 2 at a SR 5 Step 4
2004 - no pay plan change – position would return to work as an Office Support Representative 2 at a SR 5 Step 4

Trades/Labor

1996 - Maintenance and Repair Worker I who went out on disability at the 5th step of WG 1
1997 - due to pay plan structure change this position would have gone to a WG 2 Step 2
2001 - due to pay plan structure change this position would have gone to a TG 3 Step 2
2004 - no pay plan change – position would return to work as a Maintenance and Repair Worker 1 at TG 3 Step 2

DATE APPROVED: 4/12/2005

DATE REVISED:

POLICY: 4.4-I
TITLE: INCLEMENT WEATHER/HAZARDOUS ROAD CONDITIONS

GENERAL

All employees are expected to be at work at their regularly scheduled time. Realizing this is not always possible, the following guidelines may be applied at the Appointing Authority's discretion when inclement weather causes hazardous road conditions:

1. Employees may be given up to one and one-half hours to report to work without charge to leave. When at all possible the employee should call in saying that he will be late. If the employee reports to work after the one and one-half hours excused time, he will be charged with the appropriate leave back to his regular schedule time of reporting.
2. Employees may be allowed to utilize vacation time when unable to get to work or reporting in late. Employees not having accumulated vacation time may be charged with Leave Without Pay.
3. Employees calling in to utilize vacation will be charged vacation for their full shift even when employees are released early due to road conditions.
4. Employees calling in sick, who are not on sick leave the day before, may be requested by their supervisor to furnish a doctor's statement verifying the illness.

DATE APPROVED: 01/24/78
LAST REVISION: 06/14/94, (EFFECTIVE: 09/01/94)

POLICY: 4.6
TITLE: ELIGIBILITY TO EARN SICK AND VACATION LEAVE

GENERAL

Generally, employees do not earn vacation and sick leave in a given month unless they are in a paid status for the entire month. The following are exceptions under which employees may be credited with sick and/or vacation leave.

EXCEPTIONS

1. When working a reduced work schedule or are otherwise absent due to ADA, FMLA, military leave, related circumstances subject to the following:
 - a. If leave is due to ADA or FMLA:
 - The reduced work schedule must be supported by a physician's statement certifying the need;
 - The reduced work schedule is approved by the department to comply with the A.D.A. or F.M.L.A.;
 - The need for such leave extends for a minimum of three continuous months, indicating a serious or chronic health condition;
 - The leave without pay shall be for no more than 8 hours a week, so that the employee is still a full-time employee.
 - b. If leave is military service or training related:
 - The reduced work schedule must be supported with proper documentation and reasonable advance notification (verbal or written) of known dates of training or service;
 - The leave without pay shall be no more than 4 days in any 30-day time period.
 - c. When Leave Without Pay is taken for the benefit of the Metropolitan Government and/or to perform official duties pertaining to Metro business
2. Leave covered by this policy, and the earning of sick leave and vacation, is subject to review and approval by the Director of Human Resources

APPOINTING AUTHORITY DISCRETION

In addition to the above exceptions, other situations may arise from time to time in which it may be unwise, or unfair to the employee, to deny vacation and sick leave earnings due to an employee being in an unpaid status. Each Appointing Authority shall have the discretion to waive the denial of vacation/sick leave in such special situations.

DATE APPROVED: 10/12/99
LAST REVISION: 10/12/99

POLICY: 4.7 A-I
TITLE: PERFECT ATTENDANCE BONUS

GENERAL

Employees having perfect attendance during a six month calendar period (January to June and July to December) will be awarded a cash bonus of \$25.00 for each period of perfect attendance. Bonus checks will be issued in accordance with Human Resources Department Procedures.

DATE APPROVED: 06/14/94
DATE EFFECTIVE: 09/01/94

POLICY: 4.7 C-I
TITLE: ATTENDANCE POLICY

In order to provide adequate services to the taxpayers, it is necessary that employees present themselves for duty on time and as scheduled. Both employees and supervisors have responsibilities in controlling attendance.

Employee's Role

1. Report for work on time and as scheduled
2. Ensure that his supervisor is properly notified if he needs to request time off
3. Provide medical statements when required for the use of sick leave or leave without pay
4. Take steps to correct problems which frequently cause tardiness

Supervisor's Role

1. Clearly explain attendance policy and leave request procedure to employees; make sure they know who to call to request time off and who is a back-up to that person
2. Approve or disapprove leave requests made by employee
3. Obtain medical statements from the employee when necessary
4. Monitor attendance and counsel employee when a problem with attendance begins

Monitoring Attendance

1. Each employee is required to report to work on time in accordance with departmental procedure. He must check his time records on a regular basis for accuracy. Any approved leave must be noted on this attendance record.
2. Each employee should be informed periodically of his leave time accrued and use. He should check with his supervisor or the record keeper for his section if there are any questions.

Requesting Leave Time

1. Time should be requested as far in advance as possible with specific guidelines provided in departmental rules and procedures.
2. For any leave not approved in advance, the employee must call within the first hour of his schedule work shift. He should personally speak with his supervisor, or other designated person, if it is physically possible.
3. The supervisor may approve or disapprove the leave request and may instruct the employee to provide documentation of the problem upon return to work. Documentation may be a physician statement for sick leave or leave without pay or something such as repair receipts for emergency vacation. If a supervisor denies the request for leave, he may charge the employee with AWOL if he does not report for duty within an acceptable period of time.

Review of Leave Usage and Attendance Problems

If an employee develops a pattern of attendance, which indicates excessive use of possible abuse, the supervisor should counsel the employee to discuss expected improvement. Factors to consider in reviewing the employee's attendance record include but are not limited to the following:

- a. prior attendance record
- b. patterns of absence which are taken in conjunction with a day off, vacation, holiday or weekend
- c. pattern of consistently using sick leave as soon as it is earned
- d. pattern of tardiness in reporting for work or returning from a meal break or leaving early
- e. incidents of AWOL

The counseling interview the employee must be documented, including steps to be taken by the employee to improve his attendance. Following such counseling, an employee may be required to provide a doctor's statement or other appropriate documentation for each day of absence. If there is not improvement after counseling, disciplinary action may be taken; however, counseling is not a pre-requisite for disciplinary action.

DATE APPROVED: 06/13/89

REVISED: 12/10/91

LAST REVISION: 06/14/94, (EFFECTIVE: 09/01/94)

POLICY NUMBER: 4.7 E.1

POLICY TITLE: SHORT-TERM DISABILITY LEAVE

GENERAL

The Metro Employee Benefit Board has included voluntary short-term disability income insurance as an optional benefit. A private insurance carrier has been contracted to provide this insurance. Employees pay 100% of the cost of this coverage. The intent of this policy is to accommodate employees with unpaid leave during the period they are drawing benefits from the insurance carrier.

PROVISIONS

Employees who have the contracted Short-term Disability income Insurance coverage may elect to take unpaid short-term disability leave for the period approved by the insurance carrier for compensation, up to the coverage limit of 180 days. This leave may be taken in lieu of using accrued sick leave. Short-term Disability Leave in excess of twenty (20) cumulative workdays in a calendar year will be deducted from the employee's continuous service date for the purposes of determining longevity and Civil Service benefits.

While on short-term disability leave, employees do not accrue sick leave or vacation, nor do they receive holiday pay.

When an employee's condition qualifies for time off under the Family Medical Leave Act, such time off shall run concurrently with Short-term Disability leave. Employees shall not be required to use their paid leave first as is normally the case when using FMLA.

DATE APPROVED: 5/13/03

POLICY: 4.8 D-I
TITLE: REASSIGNMENT TO LIGHT DUTY

GENERAL

When an injury or illness results in temporary physical or mental restrictions which make it impossible for an employee to perform the duties of his classification, he may be assigned to alternate duties which exist in his department. Light duty assignments are not mandatory; the department should consider the needs of the department and the employee's restrictions in determining if a light duty assignment is appropriate. If the restrictions are permanent, reassignment of duties must be done in accordance with the policy on reasonable accommodation although some form of light duty work may constitute such accommodation.

LIGHT DUTY GUIDELINES

Assignments to alternate duties will be made according to the following guidelines:

1. The employees must be released by the physician to perform light duty work.
2. The Appointing Authority shall have the discretion to assign the employee to any duties within the restrictions regardless of the employee's classification at the time of the injury or illness. If requested by the Appointing Authority, designated staff members of the Human Resources Department will work with the department to assist in determining light duty assignments.
3. Light duty assignment shall continue until the employee is released by the physician to return to full duty or until it is determined that the employee's restrictions are permanent, or the department determines the light duty work can no longer be provided. The employee shall be entitled to the regular salary of his original classification while he is temporarily assigned.
4. If questions arise regarding the appropriateness of the light duty assignment, the Appointing Authority will refer the employee to the Civil Service Medical Examiner.

DATE APPROVED: 06/26/84
REVISED: 12/10/91
LAST REVISION: 06/14/94, (EFFECTIVE: 9/01/94)

POLICY: 4.8 D-II
TITLE: FIRE DEPARTMENT ALTERNATE DUTY

OBJECTIVE

To provide a limited number of alternate duty assignments to assist employees in returning to regular duty following a temporary on-the-job injury or occupational illness.

GENERAL

The following guidelines apply to all cases:

1. The Fire Department will identify sixteen (16) assignment areas for alternate duty placements. Priority in assignments will be given to employees in the following manner:
 - a. Response injury
 - b. Non-Response injury
 - c. Skills
 - d. Seniority
2. If there are not alternate duty assignments available, or if the employee does not have the necessary skills to perform the duties of available assignments, the employee would be eligible to apply for the appropriate paid leave or pension.
3. IOD leave for counting purposes, will begin on the first day of work missed and will cease during the period an employee is assigned to alternate duty. Alternate duty assignments may not extend past 180 work days. After this period, the employee may use up the remainder of IOD leave up to 130 days, and then will either apply for disability pension, or apply for a position compatible with restrictions.

NOTE: *The employee must apply for disability by the 180-day period and the 180-day limitation may be extended during the waiting period before disability begins.*
4. At the discretion of the Fire Chief, Alternate Duty assignments may be extended one time for a period of no longer than 30 working days.
5. An alternate duty assignment will not convert to a permanent position.
6. Employees on alternate duty assignments must perform the tasks satisfactorily. If the employee does not, he will be subject to appropriate provisions of departmental and Civil Service rules.
7. While on alternate duty assignment, employees will receive their regular rate of pay regardless of assignment area.
8. Alternate duty assignments are used for employees with temporary injuries or illnesses. Injuries or illnesses that require less than 48 hours of restricted duty may be accommodated by the division with approval of the division head.

9. Consideration for alternate duty assignments will be given to employees with injuries or illnesses that have occurred in a non-occupational setting. Any such placed employee may be bumped from their assignment if an employee with a higher priority applies.

PROCEDURAL GUIDELINES

1. An employee must submit a written request on the designated form to the Chief once the determination has been made by the treating physician and the Civil Service Medical Examiner that the employee is temporarily restricted from performing the regular duties of his position.
2. Assessment will be made to determine if a reasonable accommodation can be made in the employee's current position that would not place an extraordinary burden on the department or other employees. If it is determined that the department cannot accommodate physical limitations, review will begin to attempt alternate duty placement.
3. The Alternate Duty Coordinator will maintain:
 - a. Roster of employees on alternate duty, including but not limited to employee name, division of origin, immediate supervisor, date assignment began, nature of assignment, and work restrictions.
 - b. Roster of available limited duty assignments and/or possible assignment areas.
 - c. Register of limited duty employees and candidates, their individual physical restrictions and their individual skills and capabilities.
 - d. The coordinator shall notify the President of IAFF Local 763, in writing, of the names of the employees on alternate duty and their assignment location. Notification shall be provided to the President at regular six-month intervals and also at the written request of the President.
4. Once assigned to alternate duty, the employee must notify the alternate duty coordinator and his immediate supervisor within five working days of the treating physician releasing the employee back to full duty.

DATE APPROVED: 04/23/96

POLICY: 4.12
TITLE: SPECIAL MILITARY LEAVE

- (1) This policy provides partial pay and benefits to employees who are members of the National Guard and Reserve for emergency duty as ordered by the President, the Secretary of Defense, or the State Governor. Partial pay and benefits are provided to such employees who perform military duties in support of civil authorities in the protection of life and property or who perform full-time military service as a result of a call or order to active duty in support of a contingency operation* as defined in section 101 (a) (13) of title 10, United States Code.
- (2) These employees shall, while on such active military duty, be entitled to special military leave with partial pay. Partial payments may be made for the duration of an employee's deployment while these Operations shall be in effect. The intent of this rule is that partial pay shall be the difference in the employee's regular salary and the employee's full time military salary. The monthly amount should be sufficient to keep in full force and affect all regular Metro medical and dental benefits that the employee had on the date called to active military duty, plus applicable taxes, provided the employee elects to continue medical and dental coverage while on special military leave.
- (3) Said employees shall remain employees while on such active military duty for the purpose of (a) accruing sick leave, (b) accruing annual leave, and (c) accruing longevity/seniority, as allowed by applicable ordinances and resolutions. These benefits shall not be pro-rated or decreased by partial payments authorized under this rule.
- (4) Said employees shall be granted all re-employment rights as provided by law, and shall be returned to the same job they held prior to being called to active duty. An employee returning from active military duty may be allowed to late file for open competitive or promotional announcements missed during the most recent tour of active duty. Such requests must be made within thirty calendar days after returning to work. The Department of Human Resources will be responsible for facilitating the evaluation and testing of returning employees. Qualified applicants may be placed on the established eligibility register.
- (5) The Director of Human Resources and the Director of Finance shall establish such regulations, policies and procedures that are necessary for the implementation and administration of the intent of this policy as set out above. All departments shall fully cooperate with the Director of Finance and the Director of Human Resources to accomplish the goals of this policy and to that end shall furnish such information, assistance, and reports as may be required to said directors.

The term "contingency operation" means a military operation that -

(a) is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

(b) results in the call or order to, or retention on, active duty of members of the uniformed services under section [688](#), [12301](#)(a), [12302](#), [12304](#), [12305](#), or [12406](#) of title 10, United States Code, chapter [15](#) of title 10, United States Code, or any other provision of law during a war or during a national emergency declared by the President or Congress.

DATE APPROVED: 10/22/01

LAST REVISION: 4/8/03, 6/8/04, 08/01/05, 12/13/05

**MILITARY PARTIAL PAY
APPLICATION FORM**
(Revised 4/16/03)

Please complete this form, attach a copy of your orders to active duty and give it to your Department Human Resource Coordinator.

Name: _____ Employee Number: _____

Branch of Service _____ National Guard _____ Reserves _____

Local NG or Reserve Unit _____

Phone Number for your local NG or Reserve Unit: _____ - _____ - _____

Pay Information:

Military Pay Grade (E-5, O-2 etc.): _____ Years of Military Service for Pay: _____

Military Base Pay per month: \$ _____

Date Active Duty Period Begins: ____/____/____ (Attach Orders)

Leave: _____

Do you choose to use vacation or comp-time prior to the beginning of partial pay? Yes _____ No _____

If yes, please have your department personnel note on what date you will start the partial pay?

____/____/____.

Note: If you are drawing pay for military leave, vacation, comp-time, or other regular paid leave, partial pay (under the provisions of Civil Service Policy 4.12, Special Military Leave) will begin when paid leave stops.

Health, Dental, and Life Insurance:

Your medical and dental insurance will continue unless you indicate here that you do not want the coverage while you are on active duty. Your portion of the premium will be deducted from your regular earnings or the partial pay each payday. Life insurance furnished by Metro will continue in force while you are on active duty.

Do you wish to discontinue **Metro Health Insurance** coverage? Yes _____ No _____

If yes, what is the effective date your Military coverage begins? ____/____/____ I want Metro coverage through ____/____/____.

Employee Initials _____

Do you wish to discontinue **Metro Family Health** coverage? Yes _____ No _____

If yes, what is the effective date your Military coverage begins? ____/____/____

I want Metro coverage through ____/____/____.

Employee Initials _____

Do you wish to discontinue **Metro Dental Insurance** coverage? Yes _____ No _____

If yes, what is the effective date your Military coverage begins? ____/____/____.

I want Metro coverage through ____/____/____.

Employee Initials _____

Do you wish to discontinue **Metro Family Dental** coverage? Yes _____ No _____

If yes, what is the effective date your Military coverage begins? ____/____/____.

I want Metro coverage through ____/____/____.

Employee Initials _____

Flexible Spending Account:

Do you wish to discontinue your Flexible Spending Account? Yes_____ No_____
Employee Initials_____

Child Support Deductions:

If you choose to discontinue child support deductions from your Metro payroll check in order for the amount to be withheld from your Military earnings, please be aware:

1. The court order will need to be routed and processed by the Military.
- 2 In the event your activation time is brief, a court order would need to be re-submitted to Metro to resume the deduction.

In some cases, there could be delays in these processes, which may result in arrearages, which would be your responsibility. Please take these points into consideration prior to making any changes to your child support deductions.

Do you want your child support deduction, if applicable, transferred to the military? Yes_____ No_____
Employee Initials_____

Where to Call for Assistance:

For general information or problems concerning this policy call Ron Deardorff or Tara Stewart in the Department of Human Resources at 862-6640.

Call HR/Benefits, Millicent Watkins, at 862-6701 for information about voluntary insurance deductions such as long-term care, cancer insurance, etc.

Call Finance/Benefits, Kim Mason, at 862-6160 for information on stopping or starting your health or dental insurance.

Call Central Payroll at 862-6160 for information about voluntary payroll deductions such as child support, credit union, union dues, united way, etc.

I understand that Civil Service Policy 4.12, Special Military Leave, may allow me to receive partial pay while I am on active duty in response to the events of September 11, 2001 and continuing thereafter for all orders issued for operations Enduring Freedom, Joint Endeavor, and Noble Eagle, and any subsequent operations ordered by the President of the United States. Partial Pay will be equal to the difference between my regular Metro pay (pay plan rate) and my military base pay. The minimum partial pay, if applicable, is enough to cover my employee contributions for medical and dental benefits, if I choose to keep these benefits in force while I am on active duty. The pay will begin when I am deployed, or when other paid leave runs out, if I choose to use other leave, it will end when I am relieved of active duty or at the conclusion of said operations. As part of my eligibility for partial payment, I agree to provide Metro with information that may be required to determine my eligibility and pay. If my military base pay changes while on active duty, I agree to notify my department, or have them notified, as soon as possible so that my benefits may be re-calculated. I also agree to notify my department within ten (10) days after I am released from active duty.

Employee's Signature

_____/_____/_____
Date

POLICY: 4.16
TITLE: FAMILY AND MEDICAL LEAVE (FMLA)

POLICY

FMLA will be approved as established by the U.S. Department of Labor according to the Final Regulations, published in April, 1995. Time will be charged to appropriate forms of leave as established in Chapter Four of the Civil Service Rules.

NOTE: *Also see Appendix three of the Rules for a copy of the U.S. Department of Labor fact sheet.*

GUIDELINES

The following guidelines shall apply for leave approved under this policy:

1. The "12-month period" of entitlement is measured forward from the date an employee's first FMLA leave begins.
2. Paid leave will be substituted for unpaid leave, so long as accrued time is available according to the rules. This includes sick, vacation, personal, injury or administrative leave but not compensatory time. If accrued leave is not sufficient to cover the time requested, it may be interspersed with leave without pay to cover insurance premiums.

NOTE: *The Civil Service Rules allow the use of up to 20 days of sick leave for a relative when the leave is approved under the FMLA. Such family member must meet the definitions established by the FMLA regulations, including the specifics regarding a minor son or daughter.*

3. FMLA and maternity leave allowed by State law will run concurrently.
4. Eligibility for a husband and wife both employed by Metro, even in different departments, is aggregate (i.e., not 12 weeks each), for time taken for childbirth, placement, or the care for an employee's parent, but not for other reasons.

DATE APPROVED: 11/12/96
EFFECTIVE: 01/01/97

POLICY: 5.6 A-I
TITLE: DIRECTOR PAY SCHEDULE

GENERAL

This policy establishes the guidelines for setting pay rates *and employee benefits* for employees in classifications on the Director Pay Schedule (DP). Classifications on the schedule include directors of departments and agencies of the Metropolitan Government who are included in the pay plan. The DP schedule consists of three levels of pay, DP01, DP02, and DP03, with each class assigned to a level. Each level has a minimum and maximum salary range. Employees may be compensated anywhere within the range commensurate with experience, performance level, skills, and abilities.

GUIDELINES

Initially, to implement the new pay plan, a committee will be appointed by the Mayor to review the slotting of employees on the DP schedule. The committee will recommend an appropriate pay rate for each employee, taking into consideration the employee's scope of responsibility, accomplishments, current rate of pay, length of service, and any other factors deemed appropriate.

The committees' recommendations will be forwarded to the Mayor for appropriate action. The Mayor may concur with the committees' recommended rate, modify the rate, or refer it back for further review.

Thereafter, the Mayor will review new appointments, appointments in an acting capacity, and periodically review salary increases for employees on the DP schedule.

For the implementation of the pay plan and thereafter, the Mayor's Office will notify the Human Resources Department of any proposed rates and effective dates. The Human Resources Department will take the following action:

1. For those classes appointed by the Mayor, the employees' department will be notified of the rate and effective date and instructed to process the rate.
2. For those classes appointed by a board or commission, the employee's department will be notified by letter addressed to the respective board or commission setting out the Mayor's recommended rate and effective date. The employee's department will process the rate following approval by the board or commission.

As part of the recruitment package for new Directors, Civil Service Benefits such as sick and vacation days may be negotiated during the hiring process subject to the approval of the Human Resources Director, Finance Director and Civil Service Commission.

DATE APPROVED: 06/12/01

EFFECTIVE DATE: 07/01/01

REVISION DATES: 06/11/02

POLICY: 5.6 B-I
TITLE: UPGRADES FOR TARGETED CLASSIFICATIONS

GENERAL

Designated classifications shall be targeted for upgrade. This provides for an employee to be hired at the entry level and upgrade according to specified periods of time. This is intended for classifications in which employees enter the workforce with the required education and basic skills, but with little or no experience, and acquire the skills to function at a higher level with job experience. Within these classification series, an employee shall be upgraded from one level to the next without competing in a promotional exam.

GUIDELINES

1. An upgrade shall occur when all of the following criteria are met.
 - a. The employee meets all applicable education, experience, licensing and other minimum requirements as set out in the job description for the higher level.
 - b. The employee has maintained at least a 2.25 overall performance evaluation score in the lower classification.
 - c. The supervisor must complete an evaluation prior to the upgrade. This special evaluation is in addition to any regular evaluation.
2. An employee advanced through upgrading to a targeted classification will be compensated at the same rate as if promoted and will serve a six month work test.
3. If an employee has at least a 2.0, but fails to obtain a 2.25 overall performance evaluation score, the appointing authority shall conduct a 90 day follow up evaluation. An employee whose overall performance is at least 2.25 on the follow-up evaluation will be targeted to the higher classification. An employee whose follow up evaluation score is less than 2.25 will not be eligible for an upgrade until the next merit increase is due.
4. Departments or Labor Representatives may request that additional classes be placed on a list on an ongoing basis. The request will be reviewed by a committee appointed by the Director of Human Resources.

A list of eligible classes for targeting will be maintained by the Department of Human Resources.

DATE APPROVED: 06/08/93
REVISION: 12/14/93, 06/14/94, (EFFECTIVE 09/01/94)
LAST REVISION: 06/12/01 effective 07/01/01, 7/11/06

POLICY: 5.6 B-II
TITLE: UPGRADES FOR TARGETED CLASSIFICATIONS – POLICE CIVILIANS

GENERAL

Certain classifications shall be designated for upgrade instead of promotion. This process is intended to provide, via on the job training, the specific and required skills needed to function at the targeted level while the employee is in the lower classification. Employees that meet the specified requirements shall be upgraded to the targeted classification as if being promoted.

GUIDELINES

1. An upgrade shall occur when all of the following criteria are met.
 - a. The employee meets all applicable education, experience, licensing and other minimum requirements as set out in the job description for the higher level.
 - b. The employee has an overall average evaluation score of at least 2.25 for the most recent evaluation.
 - c. The ratings pertaining to attendance, observance of working hours, and compliance with regulations shall not be counted in arriving at the overall rating.
NOTE: *These ratings will be included when evaluating an employee for completion of work test following targeting.*
2. An employee advanced through upgrading to a targeted classification will be compensated at the same rate as if promoted.
3. If an employee fails to obtain an average evaluation score of at least 2.25, they will not be eligible for an upgrade for one year from the target date.
4. A list of eligible classes for targeting will be maintained by the Department of Human Resources. Department or Labor Representative may request that additional classes be placed on the list on an ongoing basis. The request will be reviewed by a committee appointed by the Director of Human Resources.
5. An employee may decline advancement through targeting with the approval of the Appointing Authority. In these cases, the employee may be eligible for advancement on his next increment date.

DATE APPROVED: 12/14/93

LAST REVISION: 4/23/96, 11/12/96, 01/14/97

POLICY: 5.6 B-III
TITLE: TRANSITIONING TO PROFESSIONAL LICENSE OR CERTIFICATION
CLASSIFICATION

GENERAL

Employees appointed to any of the classifications listed herein, where a professional license or other certification is required to advance to the next higher classification, are eligible for transitioning into the next higher classification in that series without undergoing competitive examination when the following guidelines and/or criteria have been fulfilled. The list of classifications may be periodically updated by the Human Resources Department.

LIST OF ELIGIBLE CLASSIFICATIONS

Auto Mechanic to Auto Mechanic – Certified
Equipment Mechanic to Equipment Mechanic – Certified
Engineer-In-Training to Engineer I
Engineer Associate to Engineer I
Building Inspector I to II
Electrical Inspector I to II
Mechanical/Gas Inspector I to II
Property Standards Inspector I to II
Plumbing Inspector I to II
Fire Inspector I to II

Building Inspector II, Plumbing Inspector II, Electrical Inspector II, Mechanical Gas Inspector II to Combination Codes Inspector

GUIDELINES

1. The employee serves in the entry classification while pending the certification examination.
2. The employee successfully completes the professional examination and other requirements and receives the professional license or certifications needed for the higher classification.
3. The employee's most recent performance evaluation in the lower classification, if applicable, has been evaluated standard or above.
4. The employee otherwise meets the requirements of the higher classification.
5. Compensation will generally be handled as if the employee is being promoted. (In the case of Engineering Associate to Engineer I, compensation will be handled like a reclassification. Engineer-In-Training to Engineer I will not get less than Engineer-In-Training to Engineer Associate.)
6. Employees will not be required to serve a work test in the higher class.

7. The employee must maintain the professional license or certifications required of the higher classification.

PROCEDURE AND DOCUMENTS NEEDED

The Appointing Authority will submit the following documents to the Human Resources Department: Employee Profile, Performance Evaluation, Justification Form, and a copy of the required license or certification. The Human Resources Department will verify that all requirements have been met and will transition the employee to the next higher classification effective the first day of the pay period following submission of the required documents.

DATE APPROVED: 06/23/87

REVISION: 06/14/94, 12/14/94, 7/11/00, 07/12/05

EFFECTIVE: 09/01/94

POLICY: 5.6 D-I
TITLE: RECLASSIFICATION POLICY

I. GENERAL

Reclassification is defined as the assignment of a position to a more appropriate classification in order to properly reflect the function of the position. Employees are reclassified as a result of a general reclassification study or an individual position audit independent of a reclassification study.

II. RECLASSIFICATION AS A RESULT OF A RECLASS STUDY:

In a reclassification study the Human Resources Department may determine that a position is not assigned to the most appropriate class and may authorize reclassification to a more appropriate classification. This may be done for a group of classifications that are being deleted and collapsed and replaced by other classifications, or it may be done for individual positions. Such reclassification will become effective as outlined in the implementation plan.

The following guidelines apply to these reclassifications:

1. An employee's increment date will be according to the classification study implementation plan.
2. Reclassification does not require that the employee undergo testing or be placed on an eligibility list or register.
3. The new classification may be equivalent to, lower than, or higher than the employee's class in the current salary structure. The employee will be placed at a step in the salary range of the new class according to the implementation plan for the classification study.
4. The Civil Service Commission must approve all reclassifications.

III. POSITION AUDIT PROCEDURES:

The Appointing Authority should request a position audit if it is believed that a position is not properly classified, that the position is not assigned to the most appropriate classification, or if he wishes to change the classification to which a position is assigned on the department's organization chart. The Human Resources Department may also initiate a position audit in the interest of properly maintaining the classification plan. The position may be reclassified laterally, to a higher classification, or to a lower classification, which may result in the position being red-lined. Reclassification by position audit will not be used by management to bypass the promotional or layoff process.

The following guidelines apply to position audits and resulting reclassification:

A.

1. An Appointing Authority may request a position audit(s) on any position(s) in question, providing written documentation of the justification of the request. The appropriate staff of the Human Resources Department will discuss the request with the Appointing Authority, approve or disapprove the request, and schedule necessary steps.

OR

2. The staff of the Human Resources Department may initiate the audit of a position or a group of positions in the interest of maintaining the classification plan. They may initiate an audit at the request of an employee or his recognized representative. An audit request by an employee or his representative must provide written documentation of the justification for the request. They will schedule necessary steps with the operating department.
- B. The staff of the Human Resources Department will conduct the audit and produce a written position audit report, which will include appropriate recommendations. This report will be sent to the Appointing Authority, the employee and his recognized representative.
- C. After a recommendation is made, it is the responsibility of the Appointing Authority to initiate appropriate action as soon as possible. Final action should be completed within one year. The Human Resources Department will periodically follow up with the Appointing Authority to ensure that appropriate actions are underway or planned. If the Appointing Authority disagrees with the recommended of the position audit report, he may request review by the Director of Human Resources. It shall be the responsibility of the Appointing Authority to document the reasons for review and to show why the recommendations were inappropriate.

IV. RECLASSIFICATION RESULTING FROM A POSITION AUDIT

As a result of a position audit, which determines that a position is misclassified or that another classification is more appropriate, the position may be reclassified laterally, to a higher classification, or to a lower classification, which may result in the position being red-lined. Reclassification will not be used by management to by-pass the promotional or layoff process.

A. General guidelines for position audit reclassification:

1. Transition of an employee must be to the most appropriate classification based on the duties performed.
2. The employee is required to meet the minimum qualifications of the new classification and must pass any applicable qualifying exams.

3. If 1. and 2. are not met, the employee must be reassigned to an appropriate position.
4. Reclassification does not require that the employee be placed on an eligibility list or register.
5. An employee's increment date will not be effected by reclassification unless the reclassification results in an increase in pay equal to or greater than one increment step.
6. All reclassifications must be approved by the Civil Service Commission.

B. Guidelines for lateral reclassification resulting from a position audit:

When a position transitions to a classification with the same or equivalent salary grade the following guidelines apply:

1. If the employee changes to another classification with the same salary grade in the same pay system, there is no change in pay step or amount.
2. If the employee is changed to a classification in a different pay system with an equivalent salary range, the employee will be placed at a step in the new class closest to his current salary as long as there is no reduction in pay.

C. Guidelines for reclassification to a higher classification resulting from a position audit:

A position may be reclassified to a higher classification according to the guidelines below.

1. If the positions involved have been identified for targeting, the policy on upgrading for targeted positions shall apply.
2. If the change results from appointment to a vacancy, the employee shall be required to complete the promotional procedure.
3. If neither 1. nor 2. apply, an employee may be reclassified to a higher class if the following criteria are met; if they cannot be met, the class change will be handed through the promotional procedure.
 - a. The employee must have performed the duties for at least a one-year period with the changes being gradual.
 - b. The maximum increase for reclassification will be two salary grades.
4. The employee will be placed at a step in the higher class closest to his current salary as long as there is no reduction in pay (for open range employees see Policy 5.10-II E-3).

D. Guidelines for reclassification to a lower classification resulting from a position audit (see red-lining)

V. APPEAL OF POSITION AUDIT RECLASSIFICATION

GENERAL

Employees who are to be reclassified to a position with a different salary grade as a result of a position audit will be notified of the proposed action upon completion of the audit. If an employee feels that the reclassification is not appropriate he may file an appeal.

GUIDELINES

1. The appeal must be filed within fourteen (14) calendar days of notification of the proposed reclassification.
2. The appeal must be in writing and should clearly state the reasons the employee feels that his position was not assigned to the proper classification.
3. An employee may appeal the classification assigned to his position, but not the minimum qualifications established for the job, nor the rate of pay or the propriety of a salary schedule.
4. The appeal will be filed with the Director of Human Resources, who may assign appropriate staff to investigate.
5. After consideration of the appeal, the Director of Human Relations will notify the employee and the operating department of his decision. This will include recommendations for any corrective action deemed appropriate.
6. If the employee is not satisfied with the Director of Human Resources decision, he may request a review by the Civil Service Commission. The request must be made in writing to the Director of Human Resources within ten (10) calendar days following notification of his decision. Such request must state specific reasons for disagreeing with the proposed reclassification.
7. An employee has the right to the representative of his choosing for presenting his appeal.

VI. RED-LINING EMPLOYEE SALARY

GENERAL

Red-lining may be done in two ways. As a result of a position audit, a position may be assigned to a classification with a lower salary grade. In this case, the incumbent retains his current classification but when a vacancy occurs in the position it will be filled with the lower classification. Upon implementation of a reclassification study and pay plan, salary ranges may be adjusted and employees may be reclassified, resulting in some employees being compensated at a rate higher than the maximum or the range of the appropriate salary grade. In this case, an employee's salary shall be frozen at the current rate of pay at the time of the implementation. The employee will be placed in step X, which is defined as 100% of his current salary plus any across the board increase included with the pay plan.

GUIDELINES

- A. When an employee's salary is red-lined in the implementation of a reclassification study, the following guidelines apply:
1. An employee whose salary is red-lined will retain the rate of pay he had at the time of the red-line, even though it is above the top of the range. He will not receive further general pay adjustments as long as his salary is higher than the maximum for the range shown in the pay plan.
 2. If an employee who is red-lined in his current classification is promoted to a higher classification, the new rate of pay will be based on the actual top step of the class pay range as long as it provides an increase of at least three percent (3%). If this should not result in such an increase, the employee will retain his red-lined pay plus three percent (3%) until he is eligible for an increment.
- B. If the employee's position is red-lined as a result of a position audit (outside of a reclassification study) the Appointing Authority shall move the incumbent to duties which are typical for his current classification and red-line the position. When a position is red-lined, the employee shall retain his current classification but when a vacancy occurs for the position, it shall be filled with the lower classification.

DATE APPROVED: 06/08/93

REVISED: 06/14/94, effective 09/01/94

LAST REVISION: 06/12/01 effective 07/01/01

Replaces 5.6 D-1 through D-VI (D-V deleted)

POLICY: 5.7 B-II
TITLE: ELECTION OF COMPENSATORY TIME IN LIEU OF OVERTIME PAY
BY NON-EXEMPT EMPLOYEES

- A. The Appointing Authority shall establish within the department's rules and regulations:
1. A designated schedule whereby the employees of that department may elect to earn compensatory time in lieu of overtime pay.
Non-exempt employees may elect to take compensatory time or overtime pay on a minimum quarterly basis as departments are placed under fast net.
 2. Procedures for:
 - a. notifying such employees of their right to elect
 - b. how such election is to be made by the employee
 - c. the type of written record to be maintained
 - d. the guidelines to be followed by an employee requesting to use any accrued compensatory time and the supervisor's granting the employee's request
- B. A non-exempt employee electing to earn compensatory time may accrue such up to the applicable limit (240 or 480 hours). Overtime worked in excess of said limit shall receive overtime pay.

DATE APPROVED: 8/8/2000
DATE REVISED: 8/8/2000

POLICY: 5.7 C-I
TITLE: EXEMPT OVERTIME PAY

Generally, exempt employees are not eligible for overtime pay. However, there are two circumstances where exempt employees may be paid for working overtime: employees working during Major Emergencies to restore services and those performing Essential Services to benefit the safety and welfare of the city.

GENERAL

- A. Major Emergencies
Exempt employees are generally not eligible for overtime pay. However, during major emergencies employees may have to work significant overtime to ensure that services vital to the community's health, safety, and welfare are operating. In emergencies, the appointing authority may request and the Human Resources Department may authorize payment of straight-time overtime to those exempt employees necessarily working to restore or maintain vital services.
- B. Essential Services
Exempt employees who work in "Essential Services" operations and are frequently required to work overtime to benefit the safety and welfare of the city may be eligible to earn overtime pay computed at one and one-half times the employee's hourly rate, if designated as "Exempt-OT Eligible" on the job description.

GUIDELINES

1. These provisions may be applied to exempt employees paid under the TS schedule (any grade) or under the SR schedule (up to and including grade 12), or under the PS schedule (up to and including grade 7).
2. The "major emergency" provision may be applied only to employees who are essential to supervising the restoration or maintenance of vital services. Examples include those employees who are needed to ensure that water is safe and available, that these services are appropriately dispatched and that operating roads are clear and passable, etc. Because emergencies may cover a wide range of affected departments, Administrative Officials in cooperation with the Human Resources Department, may identify eligible exempt workers at the time of the emergency. An emergency may include but is not limited to, storms, floods, riots, etc.
3. The "major emergency" provision is intended to apply during the actual emergency situation. Once basic services are operating, this provision will cease. If overtime will be needed for a longer period, the Appointing Authority may request that the Commission extend the time frame. Since emergencies vary, it will be up to the appointing authorities of the affected departments, in cooperation with the Human Resources Department, to specify the emergency periods. The time frame may vary between departments and perhaps within a given department.
4. The "Essential Services" provision is intended for the use of those classifications or positions which are frequently required to work overtime for the safety and well being of

the city. To designate a classification as "Exempt-OT Eligible," the appointing authority of the affected departments, in cooperation with the Human Resources Department, may request and the Commission may authorize the use of the "Exempt-OT Eligible" designation on the job description.

5. Affected employees may choose comp-time in lieu of the overtime payment as outlined in Civil Service Rules for non-exempt employees.

DATE APPROVED: 02/22/94

LAST REVISION: 06/14/94, (EFFECTIVE: 09/01/94), 8/12/97, 01/10/06

POLICY: 5.10-I
TITLE: HIRE ABOVE BASE, BONUSES, INCREMENT ADVANCES, AND EQUITY ADJUSTMENTS

GENERAL

Generally employees are hired at the base rate and receive increments according to the appropriate pay plan. In some cases however, there may be justification for hiring employees at higher steps in the range, rewarding employees with a lump-sum monetary incentive or advancing step increases. The following guidelines apply for both situations:

1. Written justification must be submitted to the Human Resources Department for their review.
2. Such actions require approval by the Civil Service Commission, based upon recommendation from the Human Resources Department.
3. The Mayor or any Administrative Board of Metropolitan Government having authority to appoint a Director or Agency Head may, without further approval, designate the pay step to which such appointment is made so long as it is within the range of the classification.

HIRE ABOVE BASE

An Appointing Authority may request approval to hire above base if at least one of the following criteria is met:

1. The applicant possesses special qualifications necessary for the job, which exceed those of other applicants, such as highly specialized training or skills.
2. Appointment is being made to a specific position, which is hard to fill. In this case, the Appointing Authority should be able to show that:
 - a. Metro's hiring rate is below the prevailing entry salary in the area.
 - b. The department cannot recruit qualified applicants at the base rate.

The Appointing Authority must document the problem cited, providing items such as salary surveys. Such requests will be requested prior to announcing the exam, and approval will be for the Appointing Authority to hire within a specific range. If such a request is approved by the Civil Service Commission, the Human Resources Department shall conduct a classification/salary review to determine if adjustments should be proposed.

3. Non-Civil Service employees appointed from an entrance register who transition to Civil Service in the same classification may be hired at the same step to which they have progressed provided they were originally employed at the base rate and have progressed to their current step according to the pay plan (i.e., have not received any early increments).

INCREMENT ADVANCE

An employee, other than Sworn Police and all Fire Department employees, may receive an early increment advance of one or more steps. Sworn Police and all Fire Department employees may receive one early increment advance in a three year period. The specific actions which warrant the advance must be documented. Justification for granting such increase must show that an employee's work performance results in factors such as:

- a. improvement in efficiency, productivity and quality of work or service
- b. cost efficiency
- c. timeliness of performance
- d. improvements in the work unit, especially when the employee involved is a supervisor

EMPLOYEE BONUSES

Bonuses are a way to grant employees a pay increase without permanently increasing base pay. The Civil Service Commission may authorize bonuses for employees up to the maximum allowed in the pay plan. From time to time, the Human Resources Department may propose bonus programs consistent with the needs and goals of the Metropolitan Government. Other departments may propose bonus programs through the Director of Human Resources. Such bonus programs shall require approval by the Civil Service Commission.

EQUITY ADJUSTMENTS

Equity adjustments may be requested by the appointing authority or Department of Human Resources and approved by the Civil Service Commission to correct obvious errors or aberrations in pay administration. Requests for equity adjustments should therefore be rare.

Requests for equity adjustments will be evaluated on a case-by-case basis. An equity adjustment may include a change in an employee's classification, pay step, increment due date, or other changed deemed necessary by the Civil Service Commission based on the details of the case. The Human Resources Department shall review each request for an equity adjustment, and the Human Resources Director shall recommend an appropriate course of action to the Commission.

Examples of situations where an equity adjustment may be appropriate include:

1. An unintended consequence of implementing a new pay plan is that less senior employees make more than long-term employees in the same classification. The adjustment could bring the long-term employee equal to or above the less senior.
2. An employee should have been granted an increment, but due to administrative error was not. The adjustment would give back the missing increment.
3. An employee should have been moved up through targeting but due to administrative error was not. The adjustment would place the employee in the proper class and step.

Equity adjustment may not be used to as an alternative to the increment advance policy, to circumvent the pay plan design, or to adjust situations that were not clearly errors. Examples of situations where an equity adjustment would not be appropriate include:

1. A new pay plan provides smaller or less frequent increments than an employee expected when hired.
2. An employee would have been financially better off is he/she had been promoted earlier or later (unless this creates an equity situation in relation to others in that classification).
3. The appointing authority thinks an employee deserves more money, but there is not equity issue involved.

DATE APPROVED: 06/08/93

REVISIONS: 11/23/93, 06/14/94, **EFFECTIVE:** 09/01/94, 06/14/97

LAST REVISION: 06/12/01, **EFFECTIVE** 07/01/01

POLICY NUMBER: 5.10-II

POLICY NAME: COMPENSATION ON OPEN RANGES

GENERAL

1. The salary range for certain positions, designated by the Civil Service Commission, will consist of the minimum and maximum salary only. Employees may be compensated anywhere in the range, commensurate with experience, performance level, skills, and abilities. Evaluations will be conducted on all eligible employees on an annual basis, in June of each year. Open Range increases may be granted effective July 1 of each year based on performance reviews and other criteria relevant to the position. "Upon approval of the Human Resources Department, departments may elect alternative Open Range evaluation and increase dates for budget or other practical reasons. Request for alternative Open Range evaluation and increase dates should be submitted with proper justification and explanation to the Human Resources Department with their overall open range plan each year." Departments that see a need to have traditional step increases for certain positions assigned to an open range pay grade may request to do so in their Open Range Plan submitted to the Human Resources Department. The Human Resources Department upon approval of such a request will provide step schedules for the pay grade requested. For any such position the requesting department will follow the Civil Service Rules and Policies applicable to regular step increase classifications. Including performance evaluation rules and policies, above base requests, appeals, delay of increments, etc.

A. Funding

1. Departments will receive a lump sum Open Range fund in accordance with budget procedures based on a percentage of the salaries of current Open Range positions.
2. Any adjustments to the pay ranges will be included with the Open Range budget.
3. If employees are to be given an across the board pay increase this same increase may be given to employees on Open Range.
4. Departments will submit a plan to the Human Resources Department outlining how they will allocate open range money. For instance, departments may divide this open range budget proportionally between divisions and further by sections within divisions. If the money is not being allocated in a way that enables employees to have an equal opportunity for raises, the department shall provide a reasonable business-based explanation for their allocation.

B. Open Range Increases

1. Increases per employee may range from 0% to 15%.
2. In allocating merit raises, departments should consider the following factors:
 - The employee's performance evaluation, as given by the immediate supervisor
 - The employee's duties and level of responsibility
 - Newly acquired skills, licenses, certifications, or similar credentials
 - The employee's position in the range (e.g., employees base pay may not be less than the minimum or more than the maximum for their salary grade).

3. The total dollar amount of increases granted should not exceed the total dollar amount of the department's open range budget without approval of Human Resources and Budgets.
4. If there are funds left over in the open range budget after raises are granted, this balance may be used for lump-sum bonuses throughout the year for employees in the Open Range.
5. Employees who are at the range maximum may not receive an open range raise. They may be granted a performance bonus, consistent with this policy and the policy addressing bonuses.
6. Departments should be able to justify increases based on the factors outlined above. Employees may appeal their evaluation using the process for performance evaluation appeals under the Civil Service Rules. Employees carry the burden of proof in such appeals.

C. Hire Above Base

1. For "replacement positions" departments may hire new employees up to the salary of the employee who left, up to the 75th percentile.
2. If the position is not a replacement, the department may hire up to the 50th percentile (midpoint) without Civil Service approval. Departments will include justification and criteria documentation with their new hire request.
3. The department may hire beyond these control points with justification presented to and approved by the Civil Service Commission.

D. Out-Of-Class

1. Out-Of-Class compensation, if needed, will be handled in accordance with the Civil Service Rule regarding Out-Of-Class pay. (Employees will be paid at the rate they would receive if promoted.)

E. Promotions/Class Changes

1. Employees in the Open Range who are promoted or reclassified to a higher classification will receive a 0 - 15% increase, depending on the nature of the change in responsibilities.
2. Promotions: a "normal increase" is between 5 and 10% and requires no additional explanation. A letter of explanation should accompany increases outside the "normal range" from the appointing authority.
3. Reclassifications should involve a minimal increase, usually 0%, unless the nature of the reclassification and any recent change in duties warrant an increase in pay.

Covered Classifications

Open range will be implemented on July 1, 2001 for all positions classified on the Standard Range Schedule at SR12 and above or on the Public Safety Schedule at PS9 and above.

For implementation of the pay plan on July 1, 2001, employees will be given the across the board increase and pay will be set at the amount the employee would have received under a step schedule for their grade. During the year, if an employee has an increment due date prior to July 1, 2002 the employee's salary will be increased to an amount at least equal to what the employee would have received if given a step increase.

The following chart lists classes in addition to SR12/PS9 and above covered by this policy. In an area where the Open Range covers the majority of the employees, Departments may request CSC approval for similar classifications to be added to the Open Range list of eligible classifications.

<u>Title</u>	<u>Grade</u>
Assistant Public Defender	PDO1
Associate Public Defender	PD02
Claims Representative 1	SR-8
Claims Representative 2	SR-9
Computer Operations Shift Supervisor	SR-11
Engineer In Training	SR-10
Engineering Associate	SR-11
Judicial Assistant 1	JS-2
Judicial Assistant 2	JS-3
Judicial Clerk	JS-1
Law Clerk	SR-8
Paralegal	SR-8
Planner 1	SR-10
Police Data Production Control Coordinator	SR-11

With the new pay plan effective July 1, 2005, ITS classes that are listed on the open range policy have changed to due class expansion and title changes:

<u>Old Class</u>	<u>New Class</u>
Communications Analyst 1	Information Systems Communications Analyst 1 SR10
Communications Analyst 2	Information Systems Communications Analyst 2 SR 11
Information Systems Analyst 1	Information Systems Media Analyst 1 SR10 Information Systems Applications Analyst 1 Information Systems Operations Analyst 1
Information Systems Analyst 2	Information Systems Media Analyst 2 SR11 Information Systems Applications Analyst 2 Information Systems Operations Analyst 2
Information Systems Tech I	Information Systems Media Technician 1 SR08 Information Systems Applications Technician 1 Information Systems Operations Technician 1
Information Systems Tech II	Information Systems Media Technician 2 SR09 Information Systems Applications Technician 2 Information Systems Operations Technician 2

Finance Department professional classes from SR-8 to SR-11

(excluding clerical and support)

Public Works Department exempt classes SR10 or higher

Human Resources Department professional / confidential classes SR08 – SR11

Information Systems Department- Professional / Tech classes SR08 and above

General Services Department:

Administrative Services Officer 2 & 3

Communication Analyst 1 & 2

Compliance Inspector 2 & 3

Customer Service Supervisor

Finance Officer 1 & 2

Parts Supervisor

Photographer

Professional Specialist

Technical Specialist 1

DATE APPROVED: 6/4/97 effective 7/1/97

DATES REVISED: 5/11/99, 6/8/99, 3/14/00, 6/12/01 effective 7/1/01, 2/11/03, 6/10/03
8/12/03, 5/10/05

POLICY: 5.10 III
TITLE: EMPLOYEE RECOGNITION ACTIVITIES

GENERAL

This policy establishes guidelines for recognizing employee work efforts which demonstrate examples of excellence to all Metro employees and taxpayers. The following guidelines provide consistent methods for developing and administering employee recognition programs.

GUIDELINES

- A. Departments that choose to implement employee recognition events may develop their own criteria for eligibility. However, for all programs the following process applies:
 - 1. The type and frequency of recognition events will be documented in writing. Plans may specify opportunities for individual and/or group recognition.
 - 2. Plans will be submitted to Human Resources for review and approval, and will be based on eligibility criteria and type of event or program. Human Resources will have the discretion to discuss or propose changes to the plan prior to approval.
 - 3. Human Resources will forward the proposed plan, along with their recommendation, to the Finance Department Office of Management and Budget.
 - 4. OMB will determine availability of funds and submit the plan to the Director of Finance for approval.
 - 5. Once all approvals are complete, the plan may be implemented.
- B. Recognition activities or events exclude such celebrations as birthdays or service awards. They are designed to highlight work-related excellence, such as volunteering for an extraordinarily time consuming, one-time project, accepting additional workload during the absence of a co-worker, learning and applying new skills, providing extraordinary customer service, or other events determined by the department.
- C. Non-monetary recognition activities provide a personal, non-routine acknowledgement of excellence and are preferred to cash. Examples include, but are not limited to, framed certificates, simple breakfasts/luncheons, or others of similar value.
- D. Human Resources will review department plans annually.

DATE APPROVED: 12/14/04
EFFECTIVE: 12/14/04

POLICY: 6.I
TITLE: SUBSTANCE ABUSE POLICY

I. GENERAL

It is the policy of Metropolitan Government to maintain a workplace that is free from the effects of drug and alcohol abuse. To ensure that employees comply with this policy, Metropolitan Government will pursue all reasonable and lawful means to enforce this policy. All employees are included under this policy. Police Department employees are subject to the department's General Duty Order. Specifically, it is the policy of the Civil Service Commission that:

- A. It is prohibited for any employee to sell, distribute, use, or possess illegal controlled substances on or off duty.
- B. It is prohibited for any employee to use alcohol or legal drugs in a manner that might interfere with the employee's performance of duties.
- C. This policy authorizes testing of an employee who has been involved in a critical incident as defined by this policy, and testing of an employee when there exists a reasonable suspicion that the employee has engaged or is engaging in prohibited conduct under this policy.
- D. Any employee found in violation of these provisions may be subject to disciplinary action in accordance with the Civil Service Rules.
- E. In accordance with the Drug-Free Workplace Act of 1988, employees must notify the Appointing Authority of any criminal drug statute conviction occurring in the workplace within five workdays after the conviction.

II. PERSONS TO BE TESTED

All employees covered under this policy are subject to Reasonable Suspicion and/or Critical Incident testing for controlled substances and alcohol.

A. CDL Positions

Employees in safety-sensitive positions that require a CDL are also subject to random testing for controlled substances and alcohol. This testing is in accordance with the Omnibus Transportation Employee Act of 1991 and meets the requirements established by the U.S. Department of Transportation.

B. Public Health & Safety Positions

Employees in Public Health and Safety (PHS) sensitive positions that are responsible for the health, safety and welfare of the general public and their fellow employees are also subject to random testing for controlled substances and alcohol. They have an obligation to work free of impaired judgment or physical ability so as to avoid injury to themselves, other employees or the public, and to maintain credibility and the trust of the public.

Public Health and Safety sensitive category employees are broadly defined as:

- Non-CDL Drivers
- Water Treatment Personnel
- Hazardous Duty Workers
- Security & Related Law Enforcement
- Fire, EMS & Related Support Personnel
- Care Givers

III. Tests Required

Test for alcohol and controlled substances are required for the circumstances listed below.

A. Pre-appointment

Employees required to hold a CDL and employees in a PHS position will be tested after a provisional offer of employment has been made but prior to performing job duties. Tests must also be completed before an employee is promoted, transferred or assigned to a CDL or PHS position and upon return to work when an employee has been on leave or otherwise not performing the required duties of these positions for a period of six months or longer.

B. Critical Incident

Alcohol and controlled substances tests will be conducted after an accident involving an employee, which results in: (1) a fatality; (2) bodily injury which requires immediate medical treatment away from the scene of the accident, or (3) where one or more vehicles incur disabling damage requiring the vehicle to be towed away from the scene and the employee receives a citation under state or local law for a violation arising from the accident.

Tests should be done as soon as practical after the accident although there should be no delay in any medical treatment required. Controlled substances and alcohol tests should be completed within two hours of the accident. If circumstances prevent adhering to this time limitation, the employee must immediately contact the Appointing Authority or his/her designee to request a time extension.

Any employee commissioned to carry a firearm shall be required to submit to drug testing after any discharge of the firearm involving death or personal injury, and shall be required to report to the collection site as soon as possible following the incident or as directed by the Appointing Authority or his/her designee.

An employee may be ordered to test at any time force is used that is reasonably calculated to produce death or serious bodily injury.

C. Reasonable Suspicion

An employee is subject to reasonable suspicion testing when after review of the specific facts and circumstances in a particular employee's case, a trained supervisor concludes that there exists a reasonable suspicion that an employee has engaged or is engaging in conduct prohibited under this policy. Trained supervisors must document these conclusions on the approved reasonable suspicion form. The Appointing Authority or his/her designee will review

this documentation and any other pertinent information. If the designated authority agrees with the documented findings of the trained supervisor, the employee shall submit to a controlled substances and/or alcohol test.

No employee shall be allowed to drive or perform any health or safety function when suspected of being impaired until a test reports that the employee is qualified to work.

D. Random

Employees in CDL and PHS positions are subject to drug and alcohol tests which are ordered on a random, unannounced basis. Random selection is done with a statistically valid method. An employee's name remains in the pool after being tested each time selections are made in order to ensure that every employee shall have an equal chance of being tested each time. When randomly selected, the employee will be notified by his/her supervisor to report immediately for a controlled substances and/or alcohol test.

E. Return to Duty and Follow-up Testing

Return to Duty. An employee who has tested positive under this policy, and who is allowed to return to work, is subject to further testing under the terms of the employee's Return-to-Work Agreement. Specifically, the employee shall present negative test result(s) before returning to work, and shall be subject to follow-up testing.

Follow-up. Following a determination that an employee is in need of assistance in resolving problems associated with the use of alcohol or controlled substances, the employee is subject to unannounced testing under the terms set by the employee's Return-to-Work Agreement.

There must be at least six (6) unannounced tests within the first twelve (12) months after an employee returns to work. The length of time an employee is subject to follow-up testing, and the number of tests required beyond the minimum six tests required is determined by the Substance Abuse Professional or Employee Assistance Counselor and shall not exceed sixty months.

IV. Medication

Employees are required to immediately report to their supervisor the use of prescription or over-the-counter medications that could impair the employee's ability to perform his/her duties safely.

V. How Tests Will Be Done

A. Alcohol

Alcohol is defined as any food, beverage, mixture or preparation, including any medication, containing ethyl alcohol. Testing for the use of alcohol will be done using approved screening or evidential breath testing (EBT) devices approved by the federal government. Testing requirements for alcohol is in compliance with U.S. Department of Transportation regulations. A screening test will be conducted first and a result 0.040 g/dL or greater is considered positive. Although not considered a positive test, a CDL holder or an employee in a PHS

position shall be removed from driving and/or performing a PHS function with an alcohol concentration of 0.020 to 0.039 g/dL, and is subject to retesting and possible referral to a substance Abuse Professional (SAP) for assessment. Metro Government reserves the right to order a blood test by gas chromatography as additional confirmation in extraordinary circumstances.

B. Controlled Substances

Testing for the illegal use of controlled substances will be done by urinalysis. Pre-appointment and Random testing for controlled substances will be performed in compliance with U.S. Department of Transportation regulations to the maximum extent that they can apply. A Reasonable Suspicion test will check for the presence of controlled substances and/or drugs and their metabolites deemed illegal as pursuant to State statutes. Testing may be requested for other substances if there is reason to believe they are used.

Samples will be given at a collection site designated or approved by Metro Government or may be done on-site according to established procedures. If an initial screening test is positive for a controlled substance or metabolite, a second confirmatory test is performed using gas chromatography/mass spectrometry (GS/MS) analysis. If the resulting confirmatory test reveals the presence of a controlled substance and/or illegal drug metabolite at or above the defined thresholds, it will be considered a positive test. A donor who provides a specimen that tests positive is administratively defined as being under the influence of drugs for the purposes of this policy.

C. Testing Procedures

An employee or applicant will be given a written order to report to a collection site for testing. The employee will then report to the collection site immediately with proof of identification.

A breath alcohol test (BAT) will be conducted at the site and/or when ordered, the employee will give a urine sample for controlled substances. The urine sample will be split in case of the possibility of retest. All test and laboratory procedures, including the chain of custody procedures, are available for review in the Department of Human Resources.

VI. Notification of Results and Role of the MRO

All controlled substances tests are reviewed and interpreted by a physician designated as the Medical Review Officer (MRO) before they are reported to the employer. If the laboratory reports a confirmed positive result to the MRO, the MRO contacts the employee or applicant to determine if there is an alternative medical explanation for the substances found in the urine specimen. If the employee provides appropriate justification and the MRO determines that it is a legitimate medical use of the prohibited substances, the result is reported as negative to the employer, although the employee may not be medically qualified to perform normal functions. In this instance, the MRO will advise the employee that pursuant to this policy, employees are required to report to their supervisor when taking medication that could impair ability to perform.

VII. Consequences of a Positive Test

A. Refusal to Test

Willful refusal to submit to a test, or any attempts to tamper with a test, is in violation of this policy and will be treated as a positive test. Refusal to submit may include failure to provide an adequate breath or urine sample for testing, unless medical reasons are confirmed.

B. Removal from Normal Duties

An employee who tests positive for controlled substances or alcohol is in violation of this policy and shall be removed from performing normal duties pending further action. An employee who is ordered to test based on reasonable suspicion shall be removed from any duties in which the employee might pose a possible safety risk until such time that negative test results are confirmed.

C. Removal from Register or List

Employees and applicants who have a confirmed positive pre-appointment test result for controlled substances or alcohol or refuse to test will be denied appointment and removed from the register or list.

D. Rehabilitation and/or Disciplinary Action

Employees who test positive on any test for controlled substances or alcohol, including pre-appointment tests, shall be subject to further action, which may include rehabilitation and/or disciplinary action up to and including termination. Disciplinary action is at the discretion of the Appointing Authority. The Appointing Authority may take into account factors such as the circumstances which led to testing, the employee's work history, job performance, and past corrective or disciplinary action.

Those employees who have not gained Civil Service status who have shown a positive test result for drugs shall be entitled to an informal hearing before the Appointing Authority or his designee but shall not be entitled to any appeal rights to the Civil Service Commission.

Disciplinary action based on a violation of the Metropolitan Government's substance abuse policy is not automatically suspended by an employee's participation in an Employee Assistance Program and disciplinary action may be imposed upon the employee if the Appointing Authority find such action warranted.

VIII. Re-test Provision

Breath alcohol tests are conducted and confirmed while the employee or applicant is present, eliminating the need for a re-test. For controlled substances, an employee or applicant who has confirmed positive test results may request that the split sample be tested at a separate laboratory with federal certification. Such request must be made within seventy-two (72) hours of learning of the confirmed positive test. Any action required by this policy, as the result of a positive test is not stayed pending the result of a test on the split sample.

All costs associated with the re-testing of the split sample must be prepaid by the employee, including shipping and handling, transportation, testing and MRO assessment. If the result of the retest is negative, these costs will be reimbursed to the employee.

IX. Return to work and Follow-up

Employees with a confirmed positive test for controlled substances or alcohol may be referred to the Employee Assistance Program for evaluation.

If allowed to return to work, the employee must complete the following requirements:

1. Sign a return-to-work agreement
2. Be recommended by the Employee Assistance Program or other appropriate counselor to return to work
3. Submit to a return-to-work test with confirmed negative results prior to return to work
4. Comply with the terms of the Return-to-Work Agreement

Failure to comply with the Return-to-Work Agreement will subject an employee to disciplinary action.

X. Operating a Metro Vehicle

An employee shall not be allowed to operate a Metro vehicle following a positive test for a minimum period of ninety (90) calendar days after presenting a negative Return-To-Work test as required by a Return-to-Work Agreement.

Any employee whose driver's license is suspended due to a DUI conviction, even if the employee is granted a restricted license, shall not be allowed to operate a Metro vehicle for a minimum period of ninety (90) calendar days, after presenting a negative Return-To-Work test. A Return-To-Work Agreement is also required in such cases. If the employee is required to hold a CDL, or if driving is an essential function of the position, or if the employee is in a PHS position, nothing in this policy shall prevent appropriate disciplinary from taking place.

XI. Confidentiality

Controlled substances and alcohol testing results and records shall be maintained under strict confidentiality, to the extent allowed by law, by Metropolitan Government, the company contracted to administer the testing program, the testing laboratory, and the Medical Review Officer. Statistical records are maintained for required reports.

Employees involved in testing and the administration of this policy shall observe strict confidentiality of an employee's test results and treatment. Any employee who violates this requirement for confidentiality will be subject to disciplinary action.

XII. Training

Information Program – A program will be presented for all employees covered by this policy to help them understand the policy and Metro's program on substance abuse. Employees shall attend this training every four years. This will include training on the provisions of the

policy, information about controlled substances and alcohol use, and treatment resources, which are available. The policy will be made known to all new employees and the information will be incorporated in new employee orientation.

Supervisors – Supervisors shall attend a program of training every three years. This program will be designed to teach supervisors how to identify and document substance abuse among employees, and to familiarize them with the controlled substances testing program, provisions of this policy, and related laws.

Program Administrator – The administrator for this program serves as the liaison with the contracted company who manages testing and reporting, and with the departments and agencies that are covered under this policy. There is also an administrator designated for each department.

XIV. Conflict with Other Laws or Court Action

If any provision of this policy, or the application thereof, to any person or circumstance is held to be invalid, the invalidation shall not affect any other provisions or the application of this program and the provisions of the program are declared to be severable.

XV. Revisions

This policy may be revised to reflect changes in state and federal laws without further approval and re-issuance of the full policy. No substantive changes under local authority shall be made without further approval.

DATE APPROVED:	08/22/95, (Effective 9/01/95)
LAST REVISION:	01/09/96, 07/08/97, (Effective 08/01/97)
	12/09/97, (Effective: 01/01/98)
	05/14/02, (Effective: 05/14/02)

POLICY: 6.7-I
TITLE: CARRYING OF FIREARMS

GENERAL

Metro employees are prohibited from bringing any firearms to the workplace unless the employee's job description specifically requires the carrying or possession of a firearm. Any employee carrying or in possession of a firearm as part of their job description shall carry only the firearm specifically authorized by the appointing authority. This prohibition applies to all employees and no exception shall be made for employees who have, in their status as a private citizen, obtained a handgun permit. This prohibition extends to all areas of the workplace or work site, including any parking area owned or otherwise controlled by the Metropolitan Government or any Metropolitan Government owned vehicle. Employees who violate these rules will be subject to disciplinary action.

EXCEPTIONS WHERE FIREARMS ARE REQUIRED FOR A JOB

Where it is specified in the job description that the employee have a firearm, the employee shall also obtain a proper authorization to carry a firearm. The following conditions must be met:

Training

- Before the appointing authority may authorize an employee to carry a firearm, the employee must complete Police Department, Sheriff or Juvenile Court approved training. Generally, this should be done before the completion of probationary/work test period. If the Police Department changes the training standards, the appointing authority shall be responsible for ensuring that the employee re-trains to the higher standards. The employee may not carry a firearm until such time as the employee has completed training and the proper authorization has been issued.
- The employee must meet any and all requirements set out by the Metropolitan Police Department for the continuance of the authorization.
- Upon approval of this policy, departments shall be notified to arrange training for current employees as soon as practical. Departments shall contact the Police Department to make the necessary training arrangements.

Continuing Eligibility and Control of the Commission

- The appointing authority is responsible for determining the initial or continued necessity of the firearm and for monitoring the employee's continued compliance with requirements. The Appointing Authority has the responsibility and jurisdiction to revoke, cancel or suspend the authorization or permit at any time, if deemed necessary.

Specific Regulations to Apply

- The employee may carry the firearm only while on duty, or while traveling to or from work. The employee may not use the authorization or department issued firearm for other

employment. In addition, the employee may not carry the gun out of the county unless the position requires travel out of the county to perform official duties.

- Each department that requires employees to carry firearms shall adopt additional policies as may be needed to regulate firearms used by their employees. Employees shall be required to sign a written statement acknowledging that they know and understand the department's firearms policies. Some considerations the appointing authority should consider when formulating their firearms policies are as follows:
 1. A statement requiring that any employee carrying a firearm must adhere to any restrictions set out in the Police Department training as it relates to the use of firearms.
 2. Detail how the firearm should be carried (i.e. concealed; open; type of holster; etc.).
 3. Detail restrictions as to removal of the weapon from the holster (excepting official use).
 4. Detail the type (caliber, model, type) of weapon to be carried.
 5. Determine ownership of the weapon (either the department or employee).
 6. Outline procedures to be followed when a weapon is discharged, including accidental discharges.
- The employee may only carry firearms and ammunition authorized by the department in their firearms policy.
- The Metropolitan Government shall pay for the surety bond and other fees, if required, for the commission/permit.

NOTE: *This policy does not apply to Sworn members of the Metropolitan Police Department.*

DATE APPROVED: 06/14/94
LAST REVISION: 01/23/96, 08/12/97

POLICY: 6.8A-I
TITLE: DISCIPLINARY AND GRIEVANCE APPEAL PROCEEDINGS

This policy is to be followed in all disciplinary and grievance appeals before the Civil Service Commission.

A. DEFINITIONS

- a. Pleadings. "Pleadings" are written statements of the facts and law which constitute a party's position or point of view in a contested case which, when taken together with the other party's pleadings, will define the issues to be decided in the case.
- b. Filing. Unless otherwise provided by law or the Civil Service Rules or Procedures, "filing," means actual *receipt* of the document by the Secretary to the Commission, Administrative Law Judge or Hearing Officer.
- c. Appellant. The "Appellant" in a contested case proceeding is the "appealing employee."
- d. Administrative Law Judge and Hearing Officer. The member of the Commission that is actively engaged in the practice of law or an Administrative Law Judge from the Office of the Secretary of State. A Commissioner may conduct proceedings in the capacity of a Hearing Officer.
- e. Whenever the term "Administrative Law Judge" is used in these rules, it is intended to include reference to the term "Hearing Officer" in cases in which Hearing Officers conduct proceedings.
- f. Review of Initial Order. This is a simple review by the Commission of the initial order of an Administrative Law Judge or Hearing Officer. The Commission may affirm the initial order, modify the initial order, or remand the matter for further proceedings.

B. SELECTION OF ADMINISTRATIVE LAW JUDGE OR HEARING OFFICER

Appeal of Dismissals, Full Demotions, Suspensions, Temporary Demotions, or Grievance Decisions

These shall be conducted by an Administrative Law Judge from the Office of the Secretary of State, subject to available funds and review by the Commission. If funds are not available, the proceeding will be conducted by a majority of the Commissioners, with the law member of the Commission sitting as the Administrative Law Judge. If the law member is not present at the appeal hearing, the Chairman or Vice-Chairman shall conduct the appeal by serving in the capacity of a Hearing Officer. When neither the Chairman nor the Vice-Chairman is available, one of the remaining Commissioners may serve in the capacity of a Hearing Officer provided there is still a quorum.

(Optional)

In the event of budgetary constraints or limited funding, Hearing Officers will be assigned as follows:

Appeal of Suspensions, Temporary Demotions, or Grievance Decisions

Suspension of three (3) days or less and Grievance Decision

The Chairman shall authorize the Personnel Department to assign and schedule Commissioners to serve as Hearing Officers for this purpose. This person shall conduct these proceedings sitting alone.

Suspension of more than three (3) days and Temporary Demotions

The Chairman shall appoint three Commissioners for this purpose who will rotate the duties of Hearing Officer sitting alone. Hearings will be assigned on a rotational basis.

Combined Hearings

With the agreement of all parties, an Administrative Law Judge may conduct an appeal of a suspension or temporary demotion jointly with an appeal of dismissal in a case where the employee has been dismissed prior to the appeal of the suspension or temporary demotion having been heard. Upon agreement of all parties, the appeal of the suspension or temporary demotion may be re-assigned from the Hearing Officer/Commissioner to the Administrative Law Judge.

C. SCHEDULING HEARING DATES

The Secretary shall notify the Commission when a request for Review of Disciplinary Action has been received. The Secretary will indicate who is to conduct the proceedings and will set a tentative date except for those hearings to be conducted by the Administrative Law Judge (ALJ) from the Office of the Secretary of State. If the proceedings are to be heard by an ALJ from the Office of the Secretary of State, a request will be made to the Administrative Procedures Division to have an ALJ assigned. The ALJ will set the time for the hearing in cooperation with the Metro Department of Law, the Secretary to the Commission, and the employee's attorney or representative.

D. SEPARATION OF FUNCTIONS

A person who has served as an investigator, prosecutor, or advocate in a contested case may not serve as an Administrative Judge or Hearing Officer or assist or advise an Administrative Judge or Hearing Officer in the same proceedings.

A person who is subject to the authority, direction, or discretion of one who has served as investigator, prosecutor or advocate in a contested case may not serve as an Administrative Law Judge or Hearing Officer in the same proceeding.

A person who has participated in a determination of probable cause or, other equivalent preliminary determination in a contested case may not serve as an Administrative Judge or Hearing Officer or assist or advise an Administrative Judge or Hearing Officer in the same procedure. Any party may petition for the disqualification of an Administrative Law Judge or Hearing Officer as provided in T.C.A. 4-5-302.

E. FILING AND SERVICE OF PLEADINGS AND OTHER MATERIALS

All Requests for Appeal of Disciplinary Action, Petitions for Reconsideration, and any other materials required to be filed with the Civil Service Commission, shall be filed by delivering such materials in person or in any other manner, including by mail, so long as they are actually received by the Secretary to the Commission within the required time period.

Discovery materials that are not actually introduced as evidence need not be filed, except as required in sub-section H., Discovery, of this policy. Copies of any and all materials filed with the Civil Service Commission or Administrative Law Judge in a contested case shall also be served upon all parties, or upon their counsel, once counsel has made an appearance. Any such material shall contain a statement indicating that copies have been served upon all parties. Service may be by mail or by hand delivery.

F. PRE-HEARING CONFERENCES

In any action set for hearing, the Administrative Judge upon his own motion, or the motion of one of the other parties or their qualified representation, may direct the parties and/or the attorneys for the parties to appear before him for a conference to consider:

1. The simplification of the issue
2. The necessity or desirability of amendments to the pleadings
3. The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof
4. The limitation of the number of expert witnesses
5. Such other matters as may aid the disposition of the action

The Administrative Judge shall make an order which recites the action taken at the conference, the amendments allowed to the pleadings, and the agreements made by the parties as to any other matters considered, and which limits the issues for hearing to those not disposed of by admissions or agreements of the parties, and such order when entered controls the subsequent course of action, unless modified at the hearing to prevent manifest injustice.

G. CONTINUANCES

Continuances may be granted upon good cause shown, if requested in writing seven (7) calendar days prior to the hearing. The need for continuance shall be brought to the attention of the Secretary as soon as is practical. Any written request brought within seven calendar days must be an emergency and will be considered by the Administrative Judge.

H. DISCOVERY

Parties are encouraged, where practicable, to attempt to achieve any necessary discovery informally, in order to avoid undue expense and delay in the resolution of the matter at hand. When such attempts have failed, or where the complexity of the case is such that the informal discovery is not practicable, discovery shall be sought and effectuated in accordance with the Tennessee Rules of Civil Procedure. Upon motion of party or upon the Administrative Judge's own notion, the Administrative Judge may order that discovery be completed by a certain date.

Any motion to compel discovery, motion to quash, motion for protective order, or other discovery related motion shall:

- quote verbatim the interrogatory, request, question, or subpoena at issue, or be accompanied by a copy of the interrogatory, request, subpoena, or excerpt from the disposition which show the question and objection or response if applicable;
- state the reason or reasons supporting the motion; and
- be accompanied by a statement certifying that the moving party or his or her counsel made a good faith effort to resolve by agreement the issues raised and that agreement has not been achieved. Such effort shall be set forth with particularity in statement.

The Administrative Judge shall decide on any motion relating to discovery under the Administrative Procedures Act, T.C.A. A-5-101 et seq., or the Tennessee Rules of Civil Procedures.

I. SUBPOENA

The Secretary to the Commission, at the request of any party shall issue subpoenas in accordance with the Tennessee Rules of Civil Procedures, except that service in contested cases may be by certified return receipt mail in addition to means of service provided by the Tennessee Rules of Civil Procedures. Requests for subpoenas shall be made at least forty-eight (48) hours prior to the hearing.

J. ORDER OF PROCEEDINGS

1. The Administrative Judge may confer with parties prior to a hearing to explain the order of proceedings, admissibility of evidence, number of witnesses and other matters.
2. Hearing is called to order.
3. The Administrative Judge swears in the witnesses.
4. Parties are asked whether they wish to have all witnesses excluded from the hearing except during their testimony. If so, all witnesses are instructed not to discuss the case during the tendency of the proceeding. Notwithstanding the exclusion of witnesses, parties will be permitted to stay in the hearing room and the responding department may have one appropriate person, who may also be a witness, act as its party representative.
5. Any preliminary motions, situations, or agreed orders may be entertained.
6. The parties, prior to the beginning of testimony, shall submit to the Administrative Judge all exhibits they plan to introduce. Such exhibits, except those to which there is an objection shall be considered introduced.
7. The Appellant and the Appointing Authority are allowed to call appropriate rebuttal and rejoinder witnesses.
8. Closing arguments are allowed to be presented by the Appellant and by the Appointing Authority. Within fifteen (15) days after the appeal has been heard, either party may be

permitted to submit Findings of Fact and Conclusions of Law based exclusively on the evidence and other matters officially noticed.

9. For appeals heard by a majority of the Commission, the Administrative Judge prepares to turn proceedings over to the Commission by charging the Commission as to the applicable law requisites of the final order, voting procedure, and other pertinent matters. The Commission deliberates in public and reaches a decision, which is communicated to the parties or takes the case under advisement and schedules public deliberation for a later time. A final order will be issued within forty-five (45) days following completion of the appeal hearing or submission of proposed findings of fact.
10. If an Administrative Judge or Hearing Officer conducted the proceedings sitting alone, the Administrative Judge or Hearing Officer shall render an initial order within forty-five (45) days of completion of the appeal hearing or submission of proposed findings of fact. The initial order shall be reviewed by the Commission in accordance with Section O., Review of Initial Order.
11. Parties will be notified in writing personally or by mail of any decision or order and such written notice shall include a statement of a party's right to judicial review. A copy of the decision or order shall be delivered or mailed forthwith to each party or to his representative or record.
12. A record (which by consent of the parties, consists of a tape or similar electronic recording) shall be made of all oral proceedings. Such record or any part thereof shall be transcribed on request of any party at his expense or may be transcribed by the agency at its expense. If the Civil Service Commission elects to transcribe proceedings, any party shall be provided copies of the transcript upon payment of a reasonable fee.

K. DEFAULT AND UNCONTESTED PROCEEDINGS

Default

If a party fails to attend or participate in a pre-hearing conference, hearing or other stage of contested case proceedings after notice thereof, the Administrative Judge may hold the party in default. Failure to comply with any lawful order of the Administrative Judge, necessary to maintain the orderly conduct of the hearing, may be deemed a failure to participate in a stage of a contested case and thereby be cause for a holding of default.

After entering into the record evidence of service of notice to an absent party, motion may be made to hold the absent party in default and to adjourn the proceedings or continue on an uncontested basis. If the notice is held to be adequate, the motion for default shall be granted or denied, taking into consideration the criteria listed in Civil Service Rules 6.8, subsection D., (1) through (4), where appropriate. Grounds for the granting of default shall be stated and shall thereafter be set forth in a written order. If a default is granted, the proceedings may then be adjourned or conducted without the participation of the absent party.

If the proceedings are conducted without the participation of the party in default the Administrative Judge shall include in the initial order a written notice of default, otherwise, the Administrative Judge shall include such written notice in the final order.

The defaulting party, no later than ten (10) days after service of such notice of default, may file a motion for reconsideration requesting that the default be set aside for good cause shown, and stating the grounds relied upon. The Commission may make any order in regard to such motion as deemed appropriate.

Uncontested Proceedings

When the matter is tried as uncontested, the Appointing Authority has the burden of establishing its allegations by a preponderance of the evidence presented.

L. EVIDENCE IN HEARINGS

Evidence Generally

At all contested case hearings, the testimony of witnesses shall be taken in open hearings. At the discretion of the Commission, or at the motion of any party, witnesses may be excluded prior to their testimony. The standard for admissibility is set forth at T.C.A. 4-5-313.

M. BURDEN OF PROOF

At all hearings before the Commission on disciplinary appeals, the Appointing Authority will carry the burden of proof.

N. CLERICAL MISTAKES

Prior to any appeal being perfected by either party to Chancery Court, clerical mistakes in orders or other parts of the record, and errors therein arising from oversight or omissions may be corrected by the Commission at any time on the initiative of the Commission or on motion from any party. The entering of a corrected order will not affect the dates of the original appeal time period.

O. REVIEW OF INITIAL ORDER

The Commission shall review the initial order of an Administrative Judge or Hearing Officer sitting alone. Written notice of the review will be included in the initial order. The initial order will also include notice that either party may file a brief. If the brief is going to be filed, it must be filed within fifteen (15) days after entry of the initial order. Upon receipt of a brief, the other party shall have fifteen (15) days in which to file a response. **The time limits for filing a brief and response may be extended by the Commission for good cause shown. The failure of either party to file a brief does not prevent the party from providing oral argument when the Commission is considering the matter.**

Before rendering a final order the Commission may cause a transcript to be prepared of such portions of the proceeding under review as the Commission considers necessary.

A final order or an order remanding the matter for further proceedings shall be rendered and entered in writing either forty-five (45) days after entry of the initial order or, if briefs are filed, forty-five (45) days after briefs are filed, unless the period is waived or extended with the written consent of all parties or for good cause shown. Copies of the order will be delivered to each party and to the Administrative Judge or Hearing Officer who conducted the case.

P. RECONSIDERATION

Any party, within fifteen (15) days after entry of final order, may file a petition for reconsideration, stating the specific grounds upon which relief is requested. However, the filing of the petition shall not be a prerequisite for seeking administrative or judicial review.

The petition shall be disposed of by the Commission within twenty (20) days of receiving the petition. The Commission will enter a written order either denying the petition, granting the petition and setting the matter for further proceedings, or granting the petition and issuing a new order. If no action has been taken within twenty (20) days, the petition shall be deemed to have been denied.

An order granting the petition and setting the matter for further proceedings shall state the extent and scope of the proceedings, which shall be limited to argument upon existing record, and no new evidence shall be introduced unless the party proposing such evidence shows good cause for his failure to introduce the evidence in the original proceedings. The sixty day period for a party to file a petition for review of a final order shall be tolled by granting the petition and setting the matter for further proceedings, and a new sixty day period shall start to run upon the disposition of the petition for reconsideration by issuance of a final order by the Commission.

DATE APPROVED: 09/01/94

REVISION: 01/10/95; 07/11/95, 09/16/96, 7/13/99, 2/10/04, 3/14/06

POLICY: 7.1/8.1-I
TITLE: POLICE AND FIRE EDUCATIONAL INCENTIVE

All sworn Police and Fire Department employees assigned to any of the classifications listed below which do not require a college degree at the time of appointment, will receive additional pay if they have a Bachelor's or Associate's degree in accordance with the following guidelines.

A. Residence Requirement

Coursework must meet the criteria set forth in Policy 2.7-II: Residence Requirement for College Credit. Employees are strongly encouraged to validate whether their proposed degree path and institution meet acceptable criteria before beginning any coursework.

Note: This policy was revised on 9/1/94 to include a residence requirement. Employees who had previously qualified for Educational Incentive pay with a degree that did not meet the requirement were allowed to continue to be qualified with this degree. Employees who at that time were enrolled in non-traditional courses of study which would lead to a degree were afforded an opportunity to declare their status by October 1, 1994. Those that made this declaration were given until January 1, 1996 to complete the degree. A Committee was established to consider requests for extension of the date through July 1, 1996 when extraordinary circumstances had prevented the employee from completing the degree.

B. Rate of Pay

Eligible employees shall receive additional pay at the following rates:

3% for an Associate's Degree in any field
6% for a Bachelor's Degree in any field

Educational incentive pay is based on the employee's regular rate of pay as shown in the pay plan. It is not affected by assignment pay, overtime, holiday pay, court appearance time or any other pay adjustments.

C. Eligible Employees

The attached list of classifications indicates those which do not require a degree as of the effective date of this policy. Employees assigned to these classifications are eligible to begin receiving incentive pay. Since educational requirements may be changed from time to time the current job description should be referenced before determining eligibility. Employees receiving educational incentive pay will continue to be qualified if promoted to a classification which requires the degree.

D. Degree Documentation

Employees must have actually been awarded a degree by an accredited college or university to be eligible for educational incentive pay. A copy or an original transcript showing the date the degree was awarded must be on file with the Human Resources Department as proof of eligibility. Employees must submit their official transcript to the Appointing Authority. The

Appointing Authority will complete the Educational Incentive Form and forward this along with the transcript and employee Profile Form to the Human Resources Department. The Human Resources Department staff will evaluate the transcript to determine whether the college is accredited and whether the residence requirement has been met. Educational incentive pay will begin on the first day of the pay period after the transcript has been submitted to the Human Resources Department. Employees who complete all degree requirements prior to the spring semester but must wait until the end of the spring semester to have the degree conferred may be qualified based on a letter from the degree granting institution certifying the employee has completed all requirements for the degree.

**Note: List of Classifications Not Requiring A Degree as of 8/14/98.
Check Job Description for current Information)**

Police Department Classifications

Police Officer Trainee
Police Officer I, II and III
Police Officer II - Field Training Officer
Police Sergeant
Police Lieutenant

Fire Department Classifications

Fire Recruit
Emergency Medical Technician 1, 2, and 3
Fire Fighter I, II and III
Fire Inspector I and II
Fire Arson Investigator 1 & 2
Fire/EMT Dispatcher
Fire Engineer
Fire Lieutenant
Paramedic 1 & 2
Fire Captain
Fire Instructor
Fire Marshal - Assistant
Fire Assistant Training Officer
Fire District Chief
Fire Marshal-Deputy
Fire Assistant Chief
Fire Training Officer
Fire Marshal
Fire Deputy Chief

DATE APPROVED: 10/1/86, 6/14/94

DATE EFFECTIVE: 9/01/94, 9/14/04

POLICY: 7.2A-I
TITLE: SELECTION PROCEDURE FOR POLICE OFFICER TRAINEE

Applicants for Police Officer Trainee are required to successfully complete a series of examinations before they can be appointed. These examinations are briefly described below. The order in which they are administered shall be determined jointly by appropriate staff members of the Police and Human Resources Departments.

I. Selection Procedures

The procedures listed below are completed prior to establishment of the eligibility list.

- A. Application and Screening Interview – The initial interview consist primarily of a review of the application to ensure that all information has been provided to determine if the applicant meets the minimum requirements.
- B. Written Examination – each applicant is required to pass a written exam which is designed to predict an applicant's ability to complete Academy training and work as Police Officer.
- C. Physical Agility – This exercise consists of criteria which have been selected to determine if an applicant has the potential to adequately complete the physical training program in recruit training and to progress in that period of time to a sufficient level to meet the physical rigors in the performance of the job. This test is scored on a pass-fail basis and must be successfully completed no more than twelve months prior to appointment.

II. Post-Eligibility Register Procedures

The procedures listed below are completed after the establishment of the eligibility list.

- A. Fingerprinting – Each applicant is fingerprinted to check for any convictions which would result in disqualification under T.C.A. 38-8-106, or as amended.
- B. Background Investigation – The Police Department conducts a background investigation on all eligible candidates for Police Officer Trainee.
- C. Oral Examination – The oral examination assesses the applicant's knowledge, skills and abilities which are not assessed in the written, such as verbal communication skills and decision making ability.

III. Post-Offer Procedures

The procedures listed below are completed after candidates have been tentatively offered employment and prior to beginning Academy training.

- A. Physical Examination – Eligible candidates must be certified by the Civil Service Medical Examiner as having the physical ability to perform the job.

- B. Psychological Examination – Eligible Candidates must be determined to be psychologically fit for appointment. This examination is administered by a licensed psychologist designated by the Police Department and the cost is borne by the Metropolitan Government.
- C. Polygraph and/or computerized voice stress analysis examination – Eligible candidates are required to pass a polygraph and/or computerized voice stress analysis examination administered by the appropriate staff of the Metropolitan Police Department. This examination is required prior to appointment and no more than six months before reporting to work.

DATE APPROVED: 12/10/91
LAST REVISION: 11/11/97, 07/12/05

POLICY: 7.2B-I
TITLE: PROMOTIONAL PROCEDURE FOR CLASSIFICATIONS OF POLICE
SERGEANT, LIEUTENANT AND CAPTAIN

GENERAL

The purpose of this promotional policy is to assure that the Metropolitan Nashville Police Department (MNPd) has a standardized process in place to select the best persons from within the qualified pool of candidates as determined by a competitive promotional process to become supervisors and leaders of the department.

I. MINIMUM QUALIFICATIONS

Candidates must meet the minimum qualifications established in the Job Description as approved by the Civil Service Commission. The job description includes minimum standards of education/experience, training, and employee conduct as well as any other job relevant minimum qualifications as determined by a job task analysis.

II. APPLICATION & QUALIFICATION PROCESS

A promotional announcement will be prepared and distributed by the Metropolitan Government Department of Human Resources. The MNPd will post the announcement during the period for filing applications on departmental bulletin boards, including electronic bulletin boards. The posting shall include information related to the application process and relevant timelines.

The Department of Human Resources shall be responsible for evaluating each applicant to ensure that only applicants who meet the established minimum requirements participate in the examination and/or assessment process.

III. EXAMINATION AND ASSESSMENT PROCESS

A. Approved Consultant

The examination and/or assessment process will be developed and administered by an approved consultant. The approved consultant shall have expertise consistent with administering and conducting law enforcement promotional processes. The approved consultant shall be identified in accordance with the procedures established by the City for the hiring of outside consultants.

B. Job Description and Job Analysis

The examination and/or assessment development process will include a review of the approved job description and a review of the most recent job analysis. The review process will include a meeting with subject matter experts (SMEs) to verify the accuracy and currency of the job description and job analysis. Such review shall be conducted by the approved consultant in collaboration with the Department of Human Resources and the Metropolitan Nashville Police Department. The examination and/or assessment process shall be designed to measure those knowledge, skills, and abilities and other attributes (KSAOs) that are identified as important in the job description and job task analysis.

C. Testing Components

The promotion examination process will consist of one or more test components such as a written test, job simulation exercises, interviews, and/or other tests designed to assess a candidate's knowledge, skills, and abilities necessary to effectively perform the functions of the applicable classification.

The number and types of testing components shall be determined by the approved consultant in collaboration with the Department of Human Resources and the Metropolitan Nashville Police Department. Such test components shall be based on a current job task analysis for the position and shall be consistent with professional practices for selection procedures. All components of the promotion examination process will be designed to gather relevant information, under standardized conditions, about an individual's capabilities to perform at the applicable classification.

D. Weighting of Test Components

Relative weights will be assigned to test components in the promotion examination process for determination of the final ranking of candidates. These relative weights will be based upon professional judgment which will include current professional practices, a professionally developed job task analysis, and adverse impact. The approved consultant shall recommend the appropriate weights for each test component used in the selection process in conjunction with Metropolitan Nashville Police Department and the Department of Human Resources. The relative weights for the test components of the promotion examination process shall be stated in the examination announcement.

E. Allegations Involving Dishonesty

If there is credible information, as determined by the Department of Human Resources, that a candidate has cheated or gained unfair advantage during any phase of the promotion examination process, the Department of Human Resources will cause an investigation to be conducted by a designated representative. Such representative will investigate the alleged conduct, and the candidate's promotion examination scores will be held in abeyance until such investigation has been completed. If the result of the investigation clears the candidate of the allegation, the candidate's scores shall be processed as per the procedures contained herein. If the result of the investigation supports the allegation, the Department of Human Resources shall declare the candidate's scores to be null and void and the investigative findings shall be reported to the appointing authority for action consistent with established policy on corrective and/or disciplinary action.

F. Study Guides, Preparation Materials, and Candidate Orientations

If a written job knowledge test is used, a study guide or bibliography shall be provided at least 90 days in advance of the administration of the written job knowledge test. If an assessment center or other performance based test component is used, a candidate orientation session shall be conducted by the approved consultant at least 30 days prior to the administration of that test component. The orientation session shall include at a minimum a general description of the process and test components, sample exercises, an explanation of the scoring system, and advice on how to prepare for the testing process.

G. Number of Test Component Participants

In the event the number of candidates for a position makes it impractical to administer all test components to all candidates, one or more test components will be used to identify which candidates will be eligible to continue in the promotional process and the method for determining participation in subsequent test components will be described in the promotion examination process announcement.

This determination will be based upon numerous factors such as available resources, projected vacancies, departmental needs, and other professional considerations. All efforts will be made to include the greatest number of candidates in all components of the promotional process. The minimum number of candidates who will continue in the process will be stated in the promotional announcement.

H. Interviewers and/or Assessors

Interviewers and/or assessors used to rate and/or score candidate performance in the promotional process shall be chosen according to criteria established by the Metropolitan Nashville Police Department, Department of Human Resources, and the approved consultant. Such interviewers and/or assessors shall be at a functional classification equal to or higher than the classification being examined and shall be drawn from law enforcement departments outside of the Metropolitan Nashville area.

The approved consultant shall oversee and conduct the development, validation, administration, and review of the assessment methods. When interviewers and/or assessors are used, the approved consultant shall provide rater training consistent with appropriate guidelines and standards for assessment center processes that are designed to ensure that ratings and scores are reliable, consistent, and fair. Such training shall include all relevant aspects of the process including test content, the rating scales, rater errors, practice in conducting ratings, and the rating system.

Where practical, all candidates for a given exercise shall be rated by the same group of interviewers and/or assessors. In the event this is not practical, the approved consultant shall determine the appropriate methods to ensure the fairness and accuracy of the ratings across interviewers, assessors, and panels.

IV. PROMOTION ELIGIBILITY ROSTER

Results from each phase of the promotion examination process will be provided to the Department of Human Resources within 30 days of completion of assessment of all candidates. Final promotion examination scores shall be carried out to two decimal places. After completion of the examination process, the Department of Human Resources shall compile a Promotion Eligibility Roster according to Section V.

V. FILLING VACANCIES FROM THE PROMOTION ELIGIBILITY ROSTER

To the greatest extent possible, promotions should be made as vacancies occur.

To fill a vacancy, the Department of Human Resources will create a Roster of Candidates to be used by the appointing authority. Starting with the highest ranked candidate, names will be taken in rank order of the scores from the Promotion Eligibility Roster to create a Roster of Candidates. The number of names certified will be determined and shall not exceed the maximum number set out in the table below unless dictated by ties. The top ranked candidates (plus ties, if there is more than one candidate sharing the lowest rank to be included on the Roster) will be banded together. All candidates with the tie score shall share the same rank.

Classification	Number of Candidates
Captain	6 (plus tie scores for the 6 th position)
Lieutenant	7 (plus tie scores for the 7 th position)
Sergeant	9 (plus tie scores for the 9 th position)

The Roster of Candidates shall be provided to the appointing authority in alphabetical order without reference to score or rank order. All candidates on the Roster of Candidates are to be considered equally qualified for promotion. The appointing authority may select any candidate from the Roster of Candidates to fill a vacancy. As candidates are selected, additional candidates will be added to the Roster of Candidates utilizing the next rank ordered candidate (plus tie scores) and any candidate on such updated Roster may be appointed.

VI. REMOVING CANDIDATES FROM THE PROMOTION ELIGIBILITY ROSTER

A. Removal for Failure to Remain In Compliance

All candidates on the Promotion Eligibility Roster must remain in compliance with the specified job description prerequisites that qualified them to apply for the promotional classification. If a candidate fails to remain in compliance, the candidate will be notified in writing by the Chief of Police and/or the Department of Human Resources of the non-compliance and the candidate's name shall be removed from the Promotion Eligibility Roster until such time as the candidate again qualifies under the specified job description prerequisites. At that time the candidate's rank on the eligibility roster will be reinstated.

B. Removal for Just Cause

The Chief of Police may request a candidate be removed for just cause. Any such candidate will be notified in writing regarding the reasons for his/her removal by the Chief of Police and/or the Department of Human Resources. The candidate's name shall be removed from the Promotion Eligibility Roster. The candidate may appeal the Chief's ruling as described in the procedure established for grievances in Sec. 6.9 of the Civil Service Rules. If the candidate's appeal is upheld, then the candidate's eligibility will be reinstated.

C. Retirement of Candidates

In order to allow the largest number of candidates the opportunity to receive consideration for promotion, the Chief of Police may request, for articulable reasons, that a candidate be

retired from the Promotion Eligibility Roster when he/she has been individually considered on three (3) separate occasions and not selected. The number of candidates retired from the Promotion Eligibility Roster may not exceed the number of candidates selected for promotion to that classification. For good cause, the Chief of Police may also request that a candidate previously retired from the Eligibility Roster be reinstated.

D. Removal for Candidate Waiver

A candidate who is offered a promotional position under this promotional policy may elect to waive promotion at that time and for that position. Such a waiver will be made in writing to the Chief of Police and the Department of Human Resources. After exercising such a waiver, the candidate will maintain his or her relative position on the Promotion Eligibility Roster and will be eligible for the next promotional vacancy as provided herein. If a candidate elects to exercise such a waiver more than one (1) time (i.e., the candidate fails to accept the second promotional position offered), he or she may be permanently removed from the Promotion Eligibility Roster at the discretion of the Chief of Police. In this event, the Chief of Police shall request in writing that the Department of Human Resources remove the candidate from the list. Any such candidate will then be notified in writing by the Chief of Police and/or the Department of Human Resources, and the candidate's name shall be removed from the Promotion Eligibility Roster. As candidates decline promotions, additional candidates will be added to the Roster of Candidates utilizing the next rank ordered candidate (plus tie scores), and any candidate on such updated Roster may be appointed.

E. Suspension of Eligibility Pending Investigation

A candidate who is the subject of an active criminal investigation or the subject of a formal departmental investigation may be temporarily suspended from the Promotion Eligibility List pending the results of such investigations. The candidate shall be notified in writing that he or she is the subject of such an investigation and of the suspension from eligibility for promotion. The candidate's eligibility shall only be suspended until disposition of the case under investigation. Depending on the disposition, the candidate's eligibility will be reinstated or permanently removed from the Promotion Eligibility List as described in Section VI.B.

VII. CHALLENGES AND APPEAL PROCESS

A. Issues Not Subject To Appeal

Applicants can not appeal the minimum requirements for the job classification. Nor shall the prerequisites for entering the promotional process be subject to waiver or appeal. Final test scores from any aspects of the testing process, and the final promotion examination score are not appealable except as described in Section VII.B.

B. Test Component Content Challenges

Candidates can challenge the content of the test components (for example, written test items, interview questions, or assessment center exercises) on the basis of job relevance, or clarity. A participant desiring to make a challenge under this specific section must do so immediately following the completion of his/her testing component and before leaving the testing site using written procedures developed by the approved consultant in collaboration with the Department of Human Resources. Test component scores will not be computed and released to any candidate until all challenges and any appropriate adjustments to the scoring procedures have been resolved. Any such adjustments to the scoring process shall appropriately be applied equally to all affected candidates participating in the examination. If

the scoring of a test item is modified based on the challenge of a candidate, the modified scoring key shall be appropriately applied to all affected candidates participating in the process. A summary of any adjustments arising out of any challenges of the test content shall be documented by the approved consultant in a written report. The summary shall be provided to the Department of Human Resources and all candidates. The required timeline for providing scores might be affected by challenges received; therefore, if necessary the timeline will automatically be adjusted to allow for additional computations. All determinations to the challenges listed above made by the approved consultant will be final.

C. Appeal of Math Errors

Candidates can appeal any alleged math errors in the scoring process of any test component, or the computation of the final promotion examination score. Appeals alleging math errors shall be provided in writing to the Department of Human Resources within fourteen (14) calendar days of notification of the candidate's score. The Department of Human Resources and the approved consultant shall investigate the alleged math error identified in the appeal. In the event that a math error is determined to have occurred, the approved consultant shall correct the error and provide the Department of Human Resources with the resulting corrected score. Any such correction will be applied equally to all candidates impacted by the math error. If any such corrected score would result in a change to the rank order of the Promotion Eligibility Roster, the Department of Human Resources will create a new roster based on the corrected scores.

D. Appeals Concerning Violations of the Promotional Policy

A candidate may appeal any violations of the procedures contained within this promotional policy if said violation adversely affected him/her. A written request for appeal must be filed with the Civil Service Commission within fourteen (14) calendar days of notification of the candidate's score or status. If the appeal concerns violations of the assessment or appointment process, the candidate must file the appeal within fourteen (14) calendar days of the event giving rise to the complaint. The appeal will be handled pursuant to the procedure established for grievances in Sec. 6.9 of the Civil Service Rules. A pending grievance appeal will not stop the certification and use of a promotional list.

VIII. DEVELOPMENTAL FEEDBACK

In a reasonable amount of time after the conclusion of the entire promotion examination process, each candidate placed on the Promotion Eligibility Roster may receive a developmental feedback report that will indicate his or her scores for each phase of the promotion examination process. In addition, the developmental feedback may describe the strengths and weaknesses of the candidate's performance during the promotion examination process. Any such developmental feedback report may be provided to the candidates for development purposes only and can not be used to appeal or otherwise challenge the examination process or results.

The decision to provide candidate developmental feedback and the manner in which such feedback is provided shall be determined by the Metropolitan Nashville Police Department and the Department of Human Resources in conjunction with the approved consultant. The Department of Human Resources will coordinate the developmental feedback process and shall be responsible for the distribution of any developmental feedback reports. The testing consultant will also analyze the overall performance of those participating in the promotion process in order to provide feedback to the Department on the strengths and weaknesses

across candidates in the topic areas tested. Procurement of developmental feedback reports is contingent on available resources.

IX. EXPIRATION OF A PROMOTION ELIGIBILITY ROSTER

A Promotion Eligibility Roster shall be valid for a minimum of twelve (12) months. By request of the appointing authority, a Promotion Eligibility Roster may be extended up to a maximum of two (2) years beyond the original 12 month period. The maximum life of a Promotion Eligibility Roster may not exceed three (3) years from the original certification date by the Civil Service Commission. The appointing authority may specify any time frame (i.e., days, months) as long as it does not exceed the maximum life of the Roster. When a new Promotion Eligibility Roster is approved by the Civil Service Commission, any existing Promotion Eligibility Roster for the same classification is automatically declared void and inactive.

X. ROLE OF THE CIVIL SERVICE COMMISSION

Each Promotion Eligibility Roster, upon completion, must be submitted by the Department of Human Resources to the Civil Service Commission for certification. All appointments shall be presented to the Civil Service Commission by the Chief of Police and the Director of Human Resources stating that the appointments are made in accordance with the Civil Service procedures described herein. The movement of candidates within the Roster of Candidates created by the Department of Human Resources will not require recertification by the Commission. The Commission shall not be called upon to approve exam procedures or exam weights as these are to be determined according to procedures described herein.

XI. THESE PROCEDURES SUPERCEDE AND MAKE NULL AND VOID ANY PREVIOUS CIVIL SERVICE COMMISSION PROMOTION GUIDELINES OR PROCEDURES ESTABLISHED FOR THE METROPOLITAN NASHVILLE POLICE DEPARTMENT.

DATE APPROVED: 09/22/92

REVISION: 05/23/95, 03/11/97, 06/10/97, 09/09/97, (Part 2 Captain) 8/13/02
01/10/06 , 04/11/2006

POLICY: 7.2 B-II
TITLE: POLICE OFFICER III ADVANCEMENT POLICY

I. GENERAL

The purpose of this policy is to provide growth for topped out Police Officer IIs who have maintained excellence in their field.

This program seeks to measure employees against fixed standards. Advancement within the program, therefore, is the responsibility of the employees themselves and there is no selection procedure other than as defined in this policy.

Employees who meet the criteria for advancement shall be automatically slotted into the PF-9 salary grade at the equivalent of a promotion in accordance with the implementation schedule and departmental availability as defined in this policy.

Implementation Schedule

Employees will be assessed for eligibility January 1, 1998, and thereafter on each January, as departmental budgets will allow. The department may change this schedule depending upon budgeted vacancies.

Review Committee

A review committee will be established for the purposes of:

- Reviewing submitted requests for advancement to and maintenance of the Police Officer III
- Reviewing eligibility of criteria not addressed in the policy
- Continuous monitoring and evaluation of the policy
- Determining point values of criteria

This committee will convene at least 45 days prior to eligibility date each year and on an as-needed basis as deemed necessary by the Committee. The committee will consist of five (5) members as outlined below:

- Three (3) Police Chief designees – One designee from each of the three (3) applicable bureaus: Administrative Services, Uniform Services, and Investigative Services
- One member of Human Resources Department
- One member from the elected exclusive representative, if any.

II. ELIGIBILITY CONDITIONS

Police Officer IIs with at least twelve (12) years of service, who have been topped out in the current pay schedule at the 10th step in their grade for at least one year, are eligible to request appointment to the PF-9 salary grade if the following criteria are met:

- Performance Evaluation: At least Standard Performance Evaluation within a three year period of time from request
- Disciplinary Action: No Disciplinary Action that resulted in more than three (3) a day suspension within a twelve month period of time from request

III. MANDATORY CRITERIA FOR ADVANCEMENT

- Physical Fitness: Must meet and maintain physical requirements for the position of Police Officer II as established by the Police Department to maintain eligibility
- Written Exam And Firearms Testing: Must meet POST Standards

IV. CRITERIA FOR ADVANCEMENT

If all of the above conditions under II and III are satisfied, employees seeking advancement to the Police Officer III classification will need a total of twenty (20) points.

All elective classes/criteria submitted for advancement:

- Must have been taken/participated in within eight (8) years from the date of submitted request
- Will require submitted documentation of successful completion (i.e., course syllabus, copy of certificate of certification, etc.).
- Committee reserves the right to review previous schools attended on a case-by-case basis. Example of significant schools that may be reviewed: FBI National Academy, North Western, etc. The review committee has the right to request additional documentation if needed.

A list of criteria that may be used for advancement to the Police Officer III Classification will be maintained by the Human Resources Department and the Police Department designee who will be responsible for all administrative activity associated with this program.

V. REQUEST FOR ADVANCEMENT

Eligible employees must complete and submit a request for review of eligibility on a form provided by the Department Human Resources Coordinator, along with all necessary

documentation after all twenty (20) points have been earned. All classes and criteria must be completed before submitting request. Requests should be submitted to the Department Human Resource Coordinator.

VI. PRIORITY OF ADVANCEMENT

Advancement to the Police Officer III is in accordance with budgeted vacancies. If all vacancies have been filled, as III level slots become available, vacancies will be filled in order of the following:

- 1) Seniority within Sworn Class within Department
- 2) Performance Evaluation Score

Any newly submitted requests during the calendar year 1998: candidates' approval for advancement will be placed on existing lists according to their seniority.

Effective January 1, 1999 will be listed according to seniority after those previously qualified.

VII. MAINTENANCE OF CERTIFICATIONS ONCE III LEVEL ACHIEVED

- Once the Police Officer III level has been achieved, employees must complete academic portion of In-Service training with a score of eighty (80) percent or better every year.
- Employees who score eighty (80) percent on the academic portion of In-Service training will be required to complete three (3) points (twenty-four hours) of training above the required In-Service training classes. The additional twenty-four hours must be completed during the In-Service period for that calendar year.
- Failure to obtain an eighty (80) percent of above score in the In-Service will result in a roll back to the 10th step of the Police Officer II unless the employee completes twenty-four (24) hours of additional training during the In-Service training of the calendar year on their own time.
- Employees who are rolled back to the 10th step of Police Officer II will not be eligible to apply for Police Officer III for a period of one year from the date of roll back.

The effective date of this policy change will be March 15, 1999.

DATE APPROVED: 10/14/97

LAST REVISION: 11/11/97, 11/10/98, 03/09/99, (Effective 03/15/99)

POLICY: 7.2 C-I /8.2 C-I
TITLE: **ASSIGNMENT CLASSIFICATIONS**

GENERAL

The following are designated as assignment classifications rather than permanent classifications. Assignment to these classifications is made by the Appointing Authority and is contingent on the employee holding the designated position:

Police Deputy Chief

Employees assigned to this classification must meet the minimum requirements in the job description for the assigned class.

Police Commander

Employees classified as a Captain and meet the minimum requirements may be assigned to the classification of Police Commander. A Police Commander will revert to the Captain upon reassignment to a position not designated as a Commander position.

Police Officer 2 – Field Training Officer

Employees with the permanent rank of Police Officer II and meet the minimum requirements may be assigned to the classification of Police Officer 2 – Field Training Officer

Emergency Telecommunications Trainer

Employees with the permanent class title of Emergency Telecommunications Officer 4 and meet the minimum requirements may be assigned to the classification of Emergency Telecommunications Trainer.

Executive Assistant to the Chief (Police or Fire) **Fire Fighter / Paramedic**

Employee assigned to these classes must meet the minimum requirements in the job description for the assigned class.

COMPENSATION

An employee assigned to one of these classifications shall be compensated the same as if they had been promoted to it. If the assignment ends and the employee drops' back to his permanent class, the pay shall be adjusted to the rate he would have attained in his permanent class. When an employee who is drawing assignment pay is promoted to a higher class, the promotional rate will be calculated based on the rate he would have attained in his permanent class. The assignment pay will not be considered in calculating the pay for the promotion. **[Exception: if this results in an actual reduction in pay, the Chief may, at his discretion, grant an additional step increase in calculating the promotion.]**

DATE APPROVED: 07/11/95

REVISION: 11/12/96, 07/08/97, 07/01/01, 10/09/01, 04/13/04, 02/08/05

POLICY: 7.8 B -I
TITLE: ESTABLISHMENT AND USE OF LISTS FOR RE-HIRE OF POLICE OFFICERS

GENERAL

Those officers who cannot meet the criteria for re-employment may have their names placed on a list for any rank lower than the rank at the time of resignation. Police Officer IIs may be re-hired at that rank.

GUIDELINES

1. The former officer must meet the requirements of state law (T.C.A. #38-8-106, or as amended).
2. The former officer must have voluntarily resigned his position with the Metropolitan Government Police Department.
3. The former officer's last evaluation prior to resignation must have been acceptable under the evaluation system used at the time.
4. The former officer must otherwise meet all rules and qualifications (residency, etc.) or be granted a waiver by Civil Service Commission.
5. The former officer must be re-hired within five (5) years of the resignation.

PROCEDURES

1. The former officer will make his initial request to the Police Department for determination of his eligibility under state law.
2. If necessary, the former officer may request from the Civil Service Commission any required waivers.
3. The former officer's name is placed on a list for the lower classification as determined by the department. Police Officer IIs may be placed on a list for that rank.

USE OF LIST

- a. When there is an opening the department may appoint from the list.
- b. Anyone appointed from this list shall be required to successfully complete a probationary period of six months.
- c. Anyone appointed from this list shall be required to successfully complete 40 hours of in-service training.
- d. Appointments shall be at the base rate unless the Chief receives prior approval from the Civil Service Commission for a higher rate.
- e. There shall be no credit given for past service time or for other Civil Service benefits such as any unused sick leave.

DATE APPROVED: 05/28/85

LAST REVISION: 06/14/94, 10/12/99

EFFECTIVE: 10/12/99

POLICY: 8.2 A-I
TITLE: SELECTION PROCEDURE FOR FIRE RECRUIT

Applicants for Fire Recruit shall be required to successfully complete a series of examinations before they can be appointed. Examinations are briefly described below. The order in which they are administered shall be determined jointly by appropriate staff members of the Fire and Human Resources Department.

I. SELECTION PROCEDURES

Applications will be accepted and candidates tested on a periodic basis. Applicants will be purged from the register two years from the date they were placed on the register. The procedures listed below are completed prior to the establishment of the eligibility register.

Application and Screening Interview – The initial screening consists primarily of a review of the application to insure that all information has been provided to determine if the applicant meets the minimum requirements.

Written Examination – Each applicant is required to pass a written exam, which is designed to predict an applicant's ability to complete Academy training and work as a Firefighter or Emergency Medical Technician.

Physical Agility - This exercise consists of criteria, which have been selected to determine if an applicant has the potential to adequately complete the Academy Physical Training Program, and to progress in that period of time to a sufficient level to meet the physical rigors in the performance of the job.

II. POST-OFFER PROCEDURES

Failure of any of the following components will constitute removal from the register, and will require the applicant to wait two (2) years before re-applying for the position.

Physical examination – Candidates tentatively selected for appointment must be certified by the Civil Service Medical Examiner as having the physical ability to perform the job.

Background – Each candidate tentatively selected is fingerprinted and drug-tested to check for any Conviction or substance abuse, which is related to work as a Firefighter or Emergency Medical Technician.

DATE APPROVED: 12/10/91
LAST REVISION: 12/14/99, 4/13/04
EFFECTIVE: 12/14/99

POLICY: 8.2 B-I
TITLE: PROMOTIONAL POLICY FOR FIRE DEPARTMENT CLASSIFICATIONS

I. GENERAL

This policy will apply to promotional exams for all classifications used in the Fire Department that are unique to the Police/Fire Pay Plan up to and including Fire District Chief (or equivalent). In the event an exam is announced Open Competitive or Metro-Wide the general rules for testing and selection will apply.

II. APPLICATIONS AND QUALIFYING

The Department of Personnel will announce the exam and accept applications in accordance with Section 2.5 of the Civil Service Rules.

III. TESTING

The testing procedure will consist of components and weights mutually agreed upon by the Fire Department and the Department of Human Resources.

IV. ELIGIBILITY REGISTER AND SELECTION PROCEDURES

A. Eligibility Register

Applicants successfully completing the examination process will be placed on a Department Register in rank order according to their final exam scores and grouped in the following categories:

- a. **Outstanding** - All candidates within 10 points of the highest composite score.
- b. **Well Qualified** - All candidates within 11 through 20 points of the highest composite score.
- c. **Qualified** - All candidates within 21 points or more below the highest composite score but not lower than 70.

Exception: When this procedure results in less than 50% of applicants being placed in the Outstanding Category, the following criteria shall be utilized:

- a. **Outstanding** - Highest 50% of applicants based on composite score.
- b. **Well Qualified** - Next highest 20% of applicants based on composite score.
- c. **Qualified** - Next Highest 20% of Applicants based on composite score.

All applicants whose score ties with that of the lowest scoring applicant within that category shall be included in the designated category.

B. Making Promotional Selections

1. Interviewing and Selecting

The Fire Chief or his designee shall be required to consider and personally interview all available eligible in rank order down to and including the eligible selected for promotion. The Fire Chief may promote anyone from the highest category provided that all higher ranked eligible on the promotional register are interviewed and considered.

2. Documentation

Notation of these interviews is to be made on each promotional register and returned to the Department of Human Resources.

3. Notification

The Fire Chief shall notify, in writing each employee interviewed that the selection process has been completed and the name of the individual selected.

V. APPLICANT REVIEW AND APPEALS

Review of examination records and any appeals will be handled in accordance with Section 2.13, Applicant Review and Appeals.

DATE APPROVED: 01/24/95

POLICY: 8.2 B-II
TITLE: FIREFIGHTER II PAY PLAN IMPLEMENTATION AND EMT CERTIFICATION
REQUIREMENTS

GENERAL

The purpose of this policy is to provide a procedure to slot Firefighter II's into the new pay plan and to insure, through prescribed disciplinary action, that employees have EMT certification. This policy does not apply to the classifications of Fire Engineer and Fire Captain. In addition, anyone hired as a Fire Recruit as of January 1, 1993, must as a condition of employment, maintain the EMT certification.

Pay Plan Implementation And Certification Requirements For Current Firefighter II's

Effective July 1, 1993, Firefighter IIs who are topped out and do not have EMT certification as of July 1, 1993 will be slotted into the new pay plan at pay grade 8, step 9, with the following provision: within 18 months (July 1, 1993 to January 1, 1995) these Firefighters must obtain their EMT certification and maintain this certification.

Demotion-In-Increments

Any current Firefighter IIs not having or maintaining a certification as an EMT, as of January 1, 1995, will be subject to disciplinary action, which shall consist of demoting the employee back two (2) steps within the salary grade of the Firefighter classification. This shall be the only designated disciplinary action for failure to maintain the EMT certification for those Firefighter II's employed prior to January 1, 1993. An employee may elect to accept a Voluntary Demotion of two steps in lieu of disciplinary action. Once disciplinary action is taken or the Voluntary Demotion is effective, the employee continues to earn future increments in accordance with Civil Service rules but may not advance in the classification beyond step 8 unless EMT certification is obtained. The employee's increment date upon demotion will become the date of demotion in accordance with Section 5.4 of the Civil Service rules.

In the event an employee is certified within 12 months of the demotion, he will be automatically restored to his former step prior to the demotion. If an employee is certified after 12 months but prior to the end of 24 months he will be automatically restored one step. In both cases the employee's increment date will be recalculated by extending the increment date prior to demotion by the amount of time demoted not to exceed the amount of time remaining toward the increment at the time of demotion.

Disciplinary Procedure

Demoting an employee an increment is a disciplinary action. The Appointing Authority will follow appropriate disciplinary procedures in Chapter 6 of the Civil Service Rules, which include a departmental hearing.

DATE APPROVED: 05/18/93
LAST REVISION: 01/24/95

POLICY: 8.2 B-III

TITLE: FIRE FIGHTER 3 ADVANCEMENT POLICY

I. GENERAL

The purpose of this policy is to provide growth for topped out Fire Fighters IIs who have maintained excellence in their field.

This program seeks to measure employees against fixed standards. Advancement within the program, therefore, is the responsibility of the employees themselves and there is no selection procedure other than as defined in this policy.

Employees who meet the criteria for advancement shall be automatically slotted into the PS-05 salary grade at the equivalent of a promotion in accordance with the implementation schedule and departmental availability as defined in this policy.

IMPLEMENTATION SCHEDULE

Employees will be assessed for eligibility each January as departmental budgets will allow. The department may change this schedule depending upon budgeted vacancies.

REVIEW COMMITTEE

A review committee will be established for the purpose of:

- Reviewing submitted requests for advancement to and maintenance of the Fire Fighter 3
- Reviewing eligibility of criteria not addressed in the policy
- Continuous monitoring and evaluation of the policy
- Determining point values of criteria

This committee will convene at least 45 days prior to eligibility date each year, semi-monthly throughout the year, and on an as-needed basis as deemed necessary by the committee. The committee will consist of three (3) members as outlined below:

- Fire Chief or designee
- One member of Human Resources Department
- One member from the Nashville Fire Fighters Association

II. ELIGIBILITY CONDITIONS

Fire Fighter IIs or Fire Fighter/non-EMTs with at least twelve (12) years of service, are eligible to request appointment to the PS-05 salary grade if the following criteria are met:

- **Performance Evaluation:** the employee may not have had an unsatisfactory performance evaluation within the three-year period immediately preceding the request.
- **Disciplinary Action:** the employee may not have had any disciplinary action that resulted in a three-day suspension or more within the twelve-month period immediately preceding the request.

III. MANDATORY CRITERIA FOR ADVANCEMENT

- **In-Service:** Must have score of 80 on last in-service exam and passed score on all other parts of in-service, including Self-Contained Breathing Apparatus exam.
- **Fire Fighter – EMTs:** Have to maintain current EMT license.
- **Acting in Higher Grades and/or Driving:** Effective the date of approval by The Commission, anyone attaining the Fire Fighter 3 position from this point forward must always act in charge or drive when the need arrives, unless medical conditions dictate otherwise. Any higher grade filled would still be subject to out-of-class pay.

IV. ELECTIVES CRITERIA FOR ADVANCEMENT

In addition to meeting all of the conditions under the previous two sections (I and II), employees seeking advancement to the Fire Fighter 3 classification will need to have accumulated a total of twenty (20) points.

All elective classes/criteria submitted for advancement:

- Must have been taken/participated in within two (2) years from the date of submitted request.
- Will require submitted documentation of successful completion (i.e., course syllabus, copy of certificate of certification, etc.).

The review committee has the right to request additional documentation if needed.

A list of criteria that may be used for advancement to the Fire Fighter 3 classification will be maintained by the Human Resources Department and the Fire Department designee who will be responsible for all administrative activity associated with the program. The list is subject to change by the review committee. Classes listed are often intentionally generic, for example, public speaking, as they may be taken through a Metro offering or through another organization and the title therefore may vary. As all of the possible elective classes and types of community service projects can not possibly be listed here, candidates need to be aware that any elective they are interested in taking, the flavor of which is not on the list, should have some bearing on the job in a direct or indirect manner, and should be submitted to the review committee prior to its undertaking for acceptance and assignment of point(s) value.

REQUEST FOR ADVANCEMENT

Eligible employees must complete and submit a request for review of eligibility on a form provided by the Department Human Resources Coordinator; along with all necessary documentation, after all twenty (20) points have been earned. All classes and criteria must be completed before submitting. Requests should be submitted to the Departmental Human Resources Coordinator.

PRIORITY OF ADVANCEMENT

Advancement to the Fire Fighter 3 will be on a first come; first serve basis in accordance with budgeted vacancies. If all vacancies have been filled, as 3 level slots become available, vacancies will be filled in order of the following:

- 1) Seniority within Classification
- 2) Seniority within Department
- 3) Performance Evaluation Score

Any candidates who have been approved for advancement, but are unable to move up to the 3 level due to lack of budgeted vacancy will be promoted at the next advancement period in order of the list above. Newly submitted requests that have been approved for advancement will be placed after this group on the list in order of the list above.

MAINTENANCE OF CERTIFICATIONS ONCE 3 LEVEL ACHIEVED

Once the Fire Fighter 3 level has been achieved, employees must complete at least three (3) points from the criteria list each year. Documentation of completed points must be turned into the Departmental Human Resources Coordinator. The coordinator will submit by December 15th of each year, a list of employees and the courses/electives/etc., each has completed. Failure of the employee to obtain and submit these points to the coordinator will result in a roll back to Fire Fighter 2.

Any certifications, licenses, or standards used to gain entry to the Fire Fighter 3 must be maintained. Failure of the employee to meet this requirement will also result in a roll back to Fire Fighter 2.

Should an employee be rolled back the employee's pay will be reduced to the step the employee would be at had the employee not left.

DATE APPROVED: 10/14/97

LAST REVISION: 8/13/02

POLICY: 8.2 B-IV
TITLE: FILLING ASSIGNMENT CLASS OF FIRE FIGHTER/PARAMEDIC

I. GENERAL

The purpose of this policy is to establish the process by which employees of the Fire Department in designated positions may achieve assignment as a Fire Fighter/Paramedic. The position of Fire Fighter/Paramedic was established in the Police and Fire Pay Plan as an assignment classification. Employees are cross-trained as fire fighters or fire fighters as paramedics. Once trained, they can provide both fire fighting and advanced life support care while assigned to a fire suppression apparatus in the Fire/EMS Bureau.

II. MINIMUM QUALIFICATIONS

To be eligible to apply for reassignment to the classification of Fire Fighter/Paramedic in the Fire/EMS Bureau:

An employee assigned to the Paramedic/EMS Bureau:

- Must hold the position of Paramedic 2,
- Must have successfully completed any prescribed probationary period requirements for that position and
- Must not have received any unsatisfactory scores in any category of their most recent performance evaluation.

An employee assigned to the Fire/EMS Bureau:

- Must hold at least the position of Fire Fighter 2
- Must have successfully completed any prescribed probationary period requirements for that position and
- Must meet the paramedic qualifications as prescribed by the Paramedic/EMS Bureau of the Fire Department

III. SELECTION AND TRANSITION PROCESS: PARAMEDIC 2 to FIRE FIGHTER/PARAMEDIC

A. Selection for Fire Academy Training

Before a non-fire trained paramedic can be considered for reassignment to the classification of Fire Fighter/Paramedic he/she must be selected for fire academy training. The number of personnel selected at any one time for such training shall be at the discretion of the Director-Chief of the Fire Department. The process for selecting paramedics for fire academy training shall be in accordance with a process or procedure prescribed by the Director-Chief of the Fire Department with approval of Metro's Human Resources Department. Before beginning fire academy training the employees from the effective date of this policy forward, must:

- a. Pass the physical examination required of a new fire recruit
- b. Pass the physical agility/ability test required of a new fire recruit

B. Status of Employee Position Classification and Pay During and After Academy Training

- a. A paramedic grade employee shall remain classified in their current job title and pay grade during fire academy training and will receive any increment advance in salary which might be normally due, if applicable.
- b. A paramedic grade employee shall remain classified in their current job title and pay grade after fire academy training and until successful completion of a fire fighter probationary period. The employee will receive any increment advance in salary which might be normally due, if applicable.
- c. Upon successful completion of the prescribed probationary period, the paramedic grade employee will be assigned to the Fire Fighter/Paramedic classification and will be eligible for a two-step increment advance not to exceed the maximum salary assigned for the new classification. If such employee has received a scheduled increment within six months of the new reclassification, the employee will receive no more than a one step increment from the prior salary or assignment to the highest next slot on the new salary grade.
- d. Should the paramedic grade employee not successfully complete fire academy training, they will remain in their current position classification and be returned to the Paramedic EMS/Bureau for assignment.
- e. Once reassigned to the Fire Fighter/Paramedic classification, requests for change of position back to a paramedic only classification will be acted upon as vacancies occur in the prior classification.
- f. Once reassigned to the Fire Fighter/Paramedic position from a Paramedic 2 position, the employee must, as a condition of employment, maintain paramedic credentialing as prescribed by the Paramedic/EMS Bureau.

IV. SELECTION AND TRANSITION PROCESS: FIRE FIGHTER 2 OR HIGHER TO FIRE FIGHTER/PARAMEDIC

A. Selection

Personnel in the Fire/EMS Bureau classified as a Fire Fighter 2 or higher may request assignment to the Fire/Fighter Paramedic grade provided they meet paramedic qualifications as prescribed by the Paramedic/EMS Bureau of the Fire Department. The Director-Chief of the Fire Department with approval of Metro's Human Resources Department shall prescribe the process for selecting fire fighters for assignment.

B. Classification Transition

- a. Upon assignment to the Fire Fighter/Paramedic classification (grade PS05), a Fire Fighter 2 (grade PS04) will receive advancement in salary as if promoted to the new class. If such employee has received a pay increment within six months of such assignment, the employee's salary will be calculated using a one-step increment on

the current pay scale and slotting in to the nearest step on the new pay scale that is not lower.

b. Employees holding the classification of Engineer, Fire Fighter III and Fire Captain who are qualified as paramedics by the Paramedic/EMS Bureau and who function as advanced life support providers on a paramedic engine or truck company may be eligible for a 3% bonus each year as part of the departments' bonus plan.

c. Once employees are assigned to the Fire/Fighter Paramedic positions requests for change of position back to the former classification or duties will be acted upon as vacancies occur in the prior classification or position.

d. Once reassigned to the Fire Fighter/Paramedic position from a Fire Fighter 2 position, the employee may voluntarily drop certification as a paramedic and return to his/her former classification provided the employee provides the fire department with 30 calendar days of notice prior to allowing the certification to lapse.

DATE APPROVED: 9/10/02

REVISED:

POLICY: 8.2B-V
TITLE: SELECTION WITHIN THE FIRE DEPARTMENT TO THE FIRE TRAINING ACADEMY

I. GENERAL

The purpose of this policy is to establish the process by which employees of the Nashville Fire Department may be assigned to the Fire Training Academy for the purpose of fire fighting training. This policy provides a means for employees in other areas of the Fire Department to become fire fighters or to cross-train in fire fighting and return to their former positions.

II. ELIGIBILITY AND LIMITATIONS

A. Personnel in classifications that are PS grades and have an EMT License: These employees may be assigned to the Fire Training Academy for the purpose of fire fighting training. Such personnel must have completed the probationary period for their current position and have achieved a satisfactory rating in each category on their most recent performance evaluation, additionally, before beginning fire academy training such employees must:

- a. Pass the physical examination required of a new fire recruit
- b. Pass the physical agility/ability test required of a new fire recruit

B. Personnel in SR or TLS grades or those without an EMT license: These employees may be assigned to the Fire Training Academy but will be required to complete the normal selection procedures and processes of a new hire/applicant (see Policy 8.2 A-I Selection Procedures for Fire Recruit).

C. Employees who are assigned to the academy and do not successfully complete their training or their work-test period will be reassigned to their former division.

III. SELECTION AND TRANSITION PROCESS

A. Selection for Fire Academy Training: The number of personnel selected at any one time for such training shall be at the discretion of the Director-Chief of the Fire Department. The Director-Chief of the Fire Department with approval of Metro's Human Resources Department shall prescribe the process for honoring requests for fire academy training.

B. Status of an Assigned Employee's Classification and Pay During and After Academy Training:

- a. Employees may retain their current classification and salary while assigned to the academy for training. Any increments for which the employee would normally be eligible may be granted provided the salary does not exceed the maximum for a Fire Fighter 2.

b. Upon successful completion of the academy employees may be appointed to Fire Fighter 1 positions or returned to their former position taking into consideration the available positions and the needs of the department.

Appointment to Fire Fighter 1: If an employee is appointed to a Firefighter 1 position they will be placed on work-test. Pay will be set as follows:

- Current salary within the pay range of a Fire Fighter 1: the employee will receive a salary increase equivalent to a promotion, not to exceed the pay plan maximum for FF1.
 - Current salary exceeds the pay range for Fire Fighter 1: the employee's salary will be redlined.
- c. Transition to Fire Fighter 2: Upon successful completion of the work-test period the employee will transition to FF 2. Pay will be set as follows:
- Current salary within the pay range for a Fire Fighter 2, not currently redlined: The employee will be slotted at the step closest to the money that they are currently making without a reduction in pay.
 - Current salary within the pay range for a Fire Fighter 2, currently redlined: the employee will receive a salary increase equivalent to a promotion, not to exceed the maximum for FF2. (Employees whose salary exceeds the pay range will stay redlined until the scales catch up with them).

DATE APPROVED: 9/10/02

LAST REVISION:

POLICY: 8.8 B-I
TITLE: ESTABLISHMENT AND USE OF OPEN COMPETITIVE REGISTER FOR RE-EMPLOYMENT OF FIRE SUPPRESSION AND EMERGENCY MEDICAL SERVICE EMPLOYEES

POLICY

A significant amount of time and money is invested in hiring, training and certifying Fire Suppression and Emergency Medical Service employees. Occasionally such employees leave the Fire Department for reasons beyond their control, but then are able to return to the department. Such employees who cannot meet the criteria for re-employment under Section 3.13 may have their names placed on an Open Competitive Register for the classification held at the time of the employee's resignation or to a lower classification within said classification series and previously held by the employee as long as they meet the criteria set out below.

GUIDELINES

The former employee must:

- 1) Successfully complete the examination process as established in Policy 8.2 A-I, Selection Procedure for Fire Recruit, with the exception of the written examination, before he can be recommended for re-employment.
- 2) Have voluntarily resigned his position in good standing with the metropolitan Government Fire Department.
- 3) Have received standard or above on his last performance evaluation prior to his resignation.
- 4) Otherwise meet all rules and qualifications (age, residency, etc.), or be granted a waiver by the Civil Service Commission.

PROCEDURES

- 1) The former employee will make his initial request to the Chief of the Fire Department for determination of his eligibility.
- 2) If necessary, the former employee may request from the Civil Service Commission any required waivers.
- 3) Upon approval by the Civil Service Commission the former employee's name is placed on such Open Competitive Register.

USE OF LIST

- 1) When there is an opening, the department may appoint from the Open Competitive Register as set out in Section 2.10 of the rules.

- 2) Anyone appointed from this list shall be required to successfully complete a probationary period of six months.
- 3) Anyone appointed must be certified by the Chief Training Officer prior to returning to duty in their specified classification.
- 4) Appointments shall be at the base rate unless the Chief of the Fire Department receives prior approval from the Civil Service Commission for a higher rate.
- 5) There shall be no credit given for past service time for Civil Service benefits e.g. unused sick leave.

DATE APPROVED: 11/25/86
LAST REVISION: 06/14/94, (EFFECTIVE: 09/01/94)